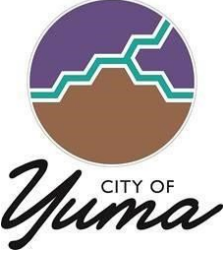


Notice of Public Hearing of the Planning & Zoning Commission of the City of Yuma

Pursuant to A.R.S. § 38-431.02, notice is hereby given to the members of the Planning & Zoning Commission of the City of Yuma and to the general public that the Planning & Zoning Commission will hold a hearing open to the public on April 26, 2021, at 4:30 p.m. at the City Hall Council Chambers, One City Plaza, Yuma, AZ.

	<p style="text-align: center;">Agenda Planning and Zoning Commission Meeting City Hall Council Chambers One City Plaza Yuma, AZ Monday, April 26, 2021, 4:30 p.m.</p>
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COVID 19 ADVISORY

DUE TO COVID-19 THE CITY HALL COUNCIL CHAMBERS WILL HAVE LIMITED PUBLIC ACCESS.

Consistent with the March 13, 2020 Arizona Attorney General informal opinion Relating to Arizona's Open Meeting Law and COVID-19, in order to protect the public and reduce the chance of COVID-19 transmission, the meeting of the City of Yuma Planning and Zoning Commission will be conducted remotely through technological means along with limited public, in-person access, consistent with CDC social distancing guidelines.

Due to the very limited capacity available for in-person public access to the Planning and Zoning Commission Meeting, citizens wishing to make public comment regarding any item listed on the agenda are strongly encouraged to provide their comments in written format to email address planning@yumaaz.gov no later than 4:00 p.m. on April 26, 2021. Comments received timely will be entered into the permanent record of the referenced agenda item to be considered by the Planning and Zoning Commission.

**ADHERENCE TO CDC SOCIAL DISTANCING GUIDELINES ARE REQUIRED IN ALL PUBLIC BUILDINGS.
THE USE OF FACE COVERINGS ARE REQUIRED IN PUBLIC BUILDINGS WHEN CDC SOCIAL
DISTANCING GUIDELINES CANNOT BE ACHIEVED.**

A. CALL TO ORDER

- B. CONSENT CALENDAR – All items listed under the consent calendar will be approved by one motion. There will be no separate discussion of these items unless the Commission or a member of the audience wishes to speak about an item.

B.1 APPROVAL OF MINUTES –

March 22, 2021

B.2 WITHDRAWALS BY APPLICANT – NONE

B.3 TIME EXTENSIONS – NONE

B.4 CONTINUANCES – NONE

B.5 APPROVALS

CUP-33375-2021: This is a request by Kurtis Demarse, on behalf of McDonald's Real Estate Company to allow the addition of a secondary drive-through lane at the site of an existing fast food restaurant in the General Commercial/Aesthetic Overlay (B-2/AO) District, for the property located at 1195 E. 16th Street, Yuma, AZ. *(Continued from April 12, 2021)*

C. ACTION ITEMS-

C.1 **CUP-33078-2020:** This is a request by Wallace Hunter, on behalf of Fury Lane, LLC, for a Conditional Use Permit to allow a drive-through restaurant, in the General Commercial (B-2) District. The property is located at 2820 S. 4th Avenue, Yuma, Arizona. *(Continued from April 12, 2021)*

C.2 **SUBD-33735-2021:** This is a request by Dahl, Robins & Associates, Inc., on behalf of Yucca Land Company, LLC, for the approval of the preliminary plat for the Desert Sands Subdivision Unit 3, proposed to be divided into 122 lots, ranging in size from approximately 5,078 square feet to 13,338 square feet. The property is located at the southwest corner of E. 45th Street and the S. Avenue 8E, Yuma, AZ. *(Continued from April 12, 2021)*

C.3 **CUP-33939-2021:** This is a request by Maria A. Velez, on behalf of ZAYD, LLC C/O Realty Executives, for a Conditional Use Permit for an industrial use within 600' of residential in the Heavy Industrial/Infill Overlay (H-I/O) District, on the property located at 1275 W. 9th St, Yuma, AZ.

C.4 **SUBD-33593-2021:** This is a request by Dahl, Robins & Associates, Inc., on behalf of Saguaro Desert Land Company, LLC, for approval of the preliminary plat for the Desert Sky Unit No. 2 Subdivision. This subdivision will contain approximately 18.3 acres, and is proposed to be divided into 102 residential lots, ranging in size from 2,941 square feet to 9,983 square feet. The property is located near the southwest corner of Avenue 7½E and 36th Street, Yuma, AZ.

D. PUBLIC HEARINGS – NONE

E. INFORMATION ITEMS

E.1 STAFF – General Plan Discussion - Transportation, Public Services and Growth Areas

E.2 COMMISSION

E.3 Public – Members of the public may address the Planning and Zoning Commission on matters that are not listed on the Commission agenda. The Planning & Zoning Commission cannot discuss or take legal action on any matter raised unless it is properly noticed for discussion and legal action. At the conclusion of the call to the public, individual members of the Commission may respond to criticism made by those who have addressed the Commission, may ask staff to review a matter or may ask that a matter be placed on a future agenda. All Planning & Zoning Commission meetings are recorded.

ADJOURN

In accordance with the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973, the City of Yuma does not discriminate on the basis of disability in the admission of or access to, or treatment or employment in, its programs, activities, or services. For information regarding rights and provisions of the ADA or Section 504, or to request reasonable accommodations for participation in City programs, activities, or services contact: ADA/Section 504 Coordinator, City of Yuma Human Resources Division, One City Plaza, Yuma, AZ 85364; (928) 373-5125 or TTY (928) 373-5149.

Notice is hereby given, pursuant to the Yuma City Code, Title 15, Chapter 154, Section 02.01, that one or more members of the Planning and Zoning Commission may participate in person or by telephonic, video or internet conferencing. Voting procedures will remain as required by the Yuma City Charter and other applicable laws.

The Commission may vote to hold an executive session for the purpose of obtaining legal advice from the Commission's attorney on any matter listed on the agenda pursuant to A.R.S. § 38-431.03(A)(3).

Planning and Zoning Commission Meeting Minutes
March 22, 2021

A regular meeting of the City of Yuma Planning and Zoning Commission was held on Monday March 22, 2021, at the City of Yuma Council Chambers, One City Plaza, Yuma, Arizona.

PLANNING AND ZONING COMMISSION MEMBERS present were Chairman Chris Hamel and Commissioners Lorraine Arney, Gregory Counts, Barbara Beam and Joshua Scott. Vice-Chairman Fred Dammeyer was absent. There is one vacancy.

STAFF MEMBERS present included Scott McCoy, Assistant City Attorney; Randall Crist, Interim DCD Director; Alyssa Linville, Assistant Director DCD; Andrew McGarvie, Engineering Manager; Augustin Cruz, Senior Civil Engineer; Jennifer Albers, Principal Planner; Robert Blevins, Principal Planner; Chad Brown, Associate Planner and Alex Marquez, Administrative Assistant.

Chairman Chris Hamel called the meeting to order at 4:30 p.m., and noted there was a quorum present.

CONSENT CALENDAR

MINUTES – March 8, 2021

WITHDRAWALS BY APPLICANT – None

CONTINUANCES –

SUBD-33593-2021: *This is a request by Dahl, Robins & Associates, Inc., on behalf of Saguro Desert Land Company, LLC, for approval of the preliminary plat for the Desert Sky Unit No. 2 Subdivision. This subdivision will contain approximately 18.3 acres, and is proposed to be divided into 102 residential lots, ranging in size from 2,941 square feet to 9,983 square feet. The property is located near the southwest corner of Avenue 7½E and 36th Street, Yuma, AZ.*

APPROVALS – None

Motion by Counts, second by Arney, to APPROVE the Consent Calendar as presented. Motion carried unanimously, (5-0) with one absent and one vacancy.

Action Items –

SUBD-33034-2020: *This is a request by Dahl, Robins & Associates, Inc., on behalf of Perricone Arizona Properties, LLC, for the approval of the final plat for the Terra Bella Unit 2 subdivision. This subdivision will contain approximately 6.92 acres and is proposed to be divided into 25 lots, ranging in size from approximately 9,120 square feet to 12,328 square feet. The property is located at the southwest corner of Avenue 5 ½ E and the 36th Street alignment, Yuma, AZ 85364.*

Chad Brown, Associate Planner, summarized the staff report and recommended **APPROVAL**.

Andrew McGarvie, Engineering Manager, spoke about the the Traffic Study Report and how at the time it had been conducted took into consideration all future development in the study area. Until recently, construction had stalled so there actually was less construction than the study anticipated.

QUESTIONS FOR STAFF

Hamel expressed concern about the turning lanes going into the Subdivision.

McGarvie deferred to the applicant's Design Engineer

APPLICANT / APPLICANT'S REPRESENTATIVE

Kevin Dahl, 1560 S. 5th Avenue, Yuma AZ, 85364 said the street was striped with a turning lane, but it did not need to be. **Hamel** recommended removing the turning lane if the City wasn't already planning to do so.

PUBLIC COMMENT

Patrick Van Dyn Hoven, 5614 E. 38th Place Yuma AZ, 85365, was concerned about the Traffic Study and entrances into the subdivision.

Miguel Lopez, 5600 E. 38th Place Yuma AZ, 85365, was also concerned about the Traffic Study and entrances into the subdivision.

Albert Wharton, 5629 E. 38th Place Yuma, AZ 85365, was concerned about the Traffic Study and the canal being covered and turned into 36th Street. **Wharton** also asked for an anticipated date in which the construction of the road was expected to be done.

Dahl stated that the Traffic study was conducted in 2005 and that it was still valid, adding that the developer had met all the requirements of the Subdivision code.

Hamel commented that he would have liked to have seen an entrance coming off of 5½ E in the design of the Subdivision.

Scott noted that he also would have liked to have seen an entrance on 5½ E. Scott continued by saying that even though the Traffic Study was done in 2005 it was still valid.

Brown noted that an update to Engineering Conditions had been made, where Engineering combined two conditions into one. The new condition is what was presented on the "Yellow Sheet" given to each Commissioner at the start of the meeting.

Motion by Scott, Second by Beam, to APPROVE SUBD-33034-2020 subject to the Conditions of Approval in Attachment A, with the modification to Conditions 6 and 7, combining them to now read "The Owner/developer shall record a covenant on the remaining undeveloped property north of this proposed subdivision stating that no building permits will be issued until the east half of Avenue 5 ½ E is dedicated and built to current City of Yuma Construction Standard No. 2-020 and until all infrastructure adjoining Terra Bella Unit No. 2 Subdivision is accepted by the City of Yuma". Motion carried (4-1) with one absent and one vacancy.

INFORMATION ITEMS

Staff

Jennifer Albers, Principal Planner, presented a summary of the General Plan Elements for Land Use, Housing and Redevelopment

Commission

None

Public

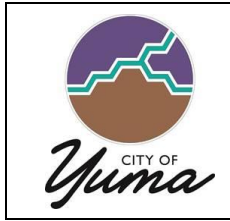
None

ADJOURNMENT

Hamel adjourned the meeting at 5:13 p.m.

Minutes approved this _____ day of _____, 2021

Chairman



STAFF REPORT TO THE PLANNING & ZONING COMMISSION
DEPARTMENT OF COMMUNITY DEVELOPMENT
COMMUNITY PLANNING DIVISION
CASE TYPE – CONDITIONAL USE PERMIT
CASE PLANNER: RICHARD MUNGUIA

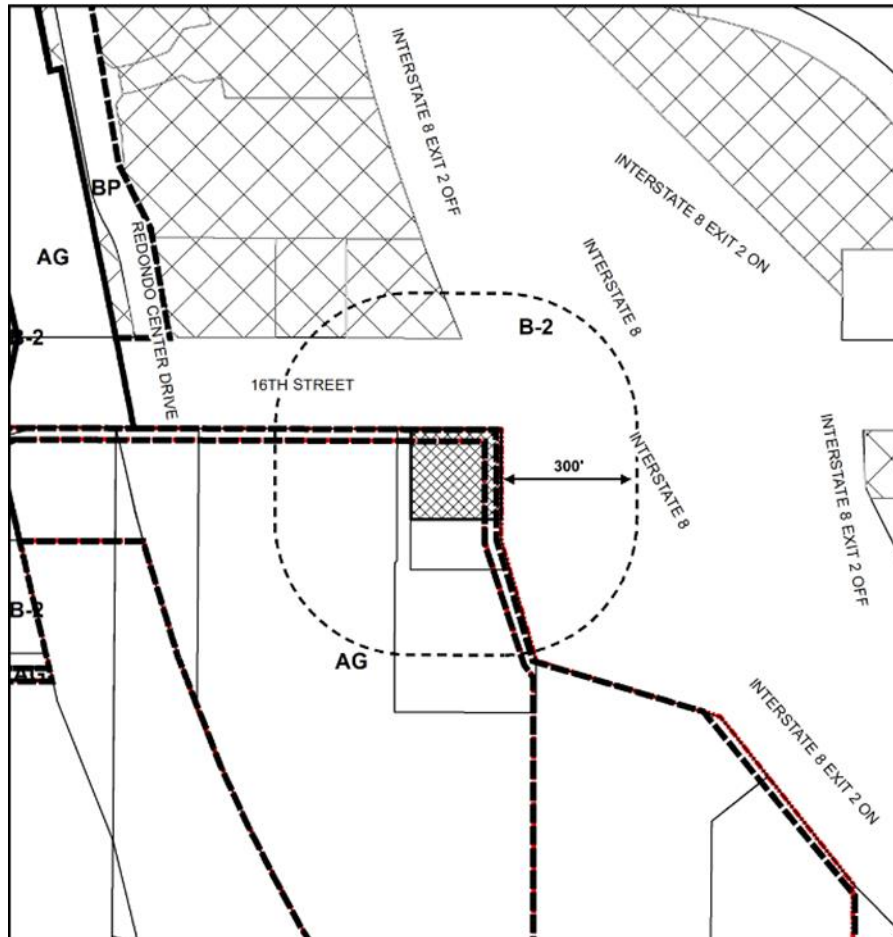
Hearing Date: April 26, 2021

Case Number: CUP-33375-2021

Project Description/Location: This is a request by Kurtis Demarse, on behalf of McDonald's Real Estate Company, to allow the addition of a secondary drive-through lane at the site of an existing fast food restaurant in the General Commercial/Aesthetic Overlay (B-2/AO) District, for the property located at 1195 E. 16th Street, Yuma, AZ.

	Existing Zoning	Use(s) on-site	General Plan Designation
Site	General Commercial/Aesthetic Overlay (B-2/AO)	McDonald's Restaurant	Commercial
North	General Commercial/Aesthetic Overlay (B-2/AO)	Applebee's Grill and Bar	Commercial
South	Agriculture (AG)	Undeveloped	Commercial
East	General Commercial (B-2)	Interstate 8	Commercial
West	Agriculture (AG)	Undeveloped	Commercial

Location Map:



Prior site actions: Pre-Annexation Agreement: AGR-23129-2018 (In process); Annexation: Ord. O95-85 (December 15, 1995); Rezone: ZONE-23131-2018 (November 21, 2018); Pre-Development Agreement: PDM-22712-2018 (July 2, 2018); Design and Historic Review: DHRC-23482-2018 (October 10, 2018), Conditional Use Permit: CUP-23794-2018 (December 10, 2018), TIMEX-27556-2019 (October 10, 2019).

Staff Recommendation: Staff recommends **APPROVAL** of the Conditional Use Permit to allow the addition of a secondary drive-through lane at the site of an existing fast food restaurant in the General Commercial/Aesthetic Overlay (B-2/AO) District, subject to the conditions outlined in Attachment A.

Suggested Motion: Move to **APPROVE** Conditional Use Permit CUP-33375-2021 as presented, subject to the staff report, information provided during this hearing, and the conditions in Attachment A.

Effect of the Approval: By approving the Conditional Use Permit, the Planning and Zoning Commission is authorizing the request by Kurtis Demarse to allow the addition of a secondary drive-through lane at the site of an existing fast food restaurant in the General Commercial/Aesthetic Overlay (B-2/AO) District for the property located at 1195 E. 16th Street, Yuma, AZ, subject to the conditions outlined in Attachment A, and affirmatively finds that the seven Conditional Use Permit criteria set forth in Section 154-03.05(G)(2) of the City of Yuma Zoning Code have been met.

Staff Analysis: McDonald's is proposing a complete remodel of an existing restaurant. This remodel will meet the company's new design standards and is being rolled out nationwide for many older restaurants. One site modification being contemplated is the addition of a secondary drive-through lane. This proposed modification will significantly deviate from the existing legal, non-conforming site, and will require a Conditional Use Permit.

Many drive-through restaurants have begun the conversion to a double lane as the addition of the secondary ordering lane would substantially increase the capacity for vehicular traffic. In order to accommodate the additional drive-through lane, several parking spaces will need to be removed; the remaining spaces will meet the minimum number of spaces required per the code.

Based upon the use of the property as a restaurant, the parking requirements is as follows: one space for each 50 square feet of gross floor area where the public is served. According to the provided floor plan, the 1,470 square foot area where the public is served, would require a total of 29 parking spaces. The site plan indicates a total of 44 parking stalls on-site. In addition to the required parking for a restaurant, a drive-through facility servicing fast food must provide seven spaces of stacking for each service window. In terms of stacking, the site plan indicates capacity for 10 vehicles.

This request was previously approved on December 10, 2018 and then a time extension was applied for in 2019. The applicant has stated that groundbreaking would not commence until after the time extension had expired. Per city code, after a time extension expires, a new Conditional Use Permit must be applied for. There are no major changes from the initial and time extension approvals.

1. What are the impacts of the proposed conditional use on neighboring properties and what conditions are being proposed to resolve those impacts?

SPECIFIC IMPACT AREA		ISSUE	CONDITION #
A.	Traffic	None	
B.	Parking	None	
C.	Lighting	None	
D.	Hours of Operation	None	
E.	Indoor/Outdoor Activities	None	
F.	Noise	None	
G.	Air Quality	None	
H.	Hazardous Materials	None	
I.	Crime Prevention (CPTED)	None	
J.	Other	None	

2. Does the site plan comply with the requirements of the zoning code?

Yes.

3. Does the proposed use and site plan comply with Transportation Element requirements?

FACILITY PLANS						
Transportation Master Plan	Planned	Existing	Gateway	Scenic	Hazard	Truck
16 th Street – 6 lane principal arterial	62' H/W ROW	100' H/W ROW	X	N/A	N/A	X
Bicycle Facilities Master Plan	None					
YCAT Transit System	Green Route – 16 th Street at Redondo Center Drive					
Issues:	None					

4. Does the proposed conditional use conform to all prior City Council actions for this site?

Yes.

5. Can the P&Z Commission answer the following questions affirmatively?

(1) Is the Planning and Zoning Commission, or the City Council, authorized under the zoning code to grant the conditional use permit described in the application?

Yes. The Planning and Zoning Commission has the authority to review and approve this request per Section §154-08.04(E)(1), which requires a Conditional Use Permit for a drive-through facility within the General Commercial (B-2) District.

(2) Will the establishment, maintenance, and/or operation of the requested conditional use, under the circumstances of the particular case, not be detrimental to the health, safety; peace, morals, comfort, or general welfare of persons residing, or working, in the vicinity or such proposed use, or be detrimental, or injurious, to the value of property in the vicinity, or to the general welfare of the city?

Yes. The proposed modification to the existing site should not be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing, or working, in the vicinity.

(3) Are the provisions for ingress, egress, and traffic circulation, and adjacent public streets adequate to meet the needs of the requested conditional use?

Yes. The ingress and egress for the site will not be modified, however, the addition of directional signage will improve the overall traffic on-site.

(4) Are the provisions for building(s) and parking facility setbacks adequate to provide a transition from, and protection to, existing and contemplated residential development?

Yes. The site has no residential development nearby.

(5) Are the height and bulk of the proposed buildings, and structures, compatible with the general character of development in the vicinity of the requested conditional use?

Yes. The current bulk and height of the existing buildings are consistent with the surrounding development; the property owner has stated that the proposed modifications to the site will not alter the size of the building.

(6) Have provisions been made to attenuate noise levels and provide for adequate site, and security lighting?

Yes. The site has provided the necessary means to meet requirements regarding noise level reductions and site lighting for security purposes.

(7) Has the site plan for the proposed conditional use, including, but not limited to landscaping, fencing, and screen walls and/or planting, CPTED strategies (Crime Prevention Through Environmental Design), and anti-graffiti strategies been adequately provided to achieve compatibility with adjoining areas?

Yes. The proposed uses for the site include proper screening and landscaping consistent with the Crime Prevention Through Environmental Design (CPTED) principles for visual surveillance.

Public Comments Received:

None Received

Agency Comments:

None Received

Neighborhood Meeting Comments:

No Meeting Required

Discussions with Applicant/Agent:

March 15, 2021

Proposed conditions delivered to applicant on:

March 15, 2021

Final staff report delivered to applicant on:

March 29, 2021

- | | |
|--|---|
| <input checked="checked" type="checkbox"/> | Applicant agreed with all of the conditions of approval on: March 16, 2021 |
| <input type="checkbox"/> | Applicant did not agree with the following conditions of approval: (list #'s) |
| <input type="checkbox"/> | If the Planner is unable to make contact with the applicant – describe the situation and attempts to contact. |

ATTACHMENTS:

A	B	C	D	E
Conditions of Approval	Site Plan	Photos	Agency Notifications	Aerial Photo

Prepared By:

Richard Munguia
Senior Planner

Date: March 17, 2021

Richard.Munguia@YumaAZ (928) 373-5000, x3070

Approved By:

Alyssa Linville,
Assistant Director Community Development

Date: 03/17/2021

ATTACHMENT A
CONDITIONS OF APPROVAL

The following conditions of approval are roughly proportionate to the impacts associated with the conditional use and expected development on the property.

Community Development Comments: Alyssa Linville, Assistant Director, Community Development, (928) 373-5000, x 3037:

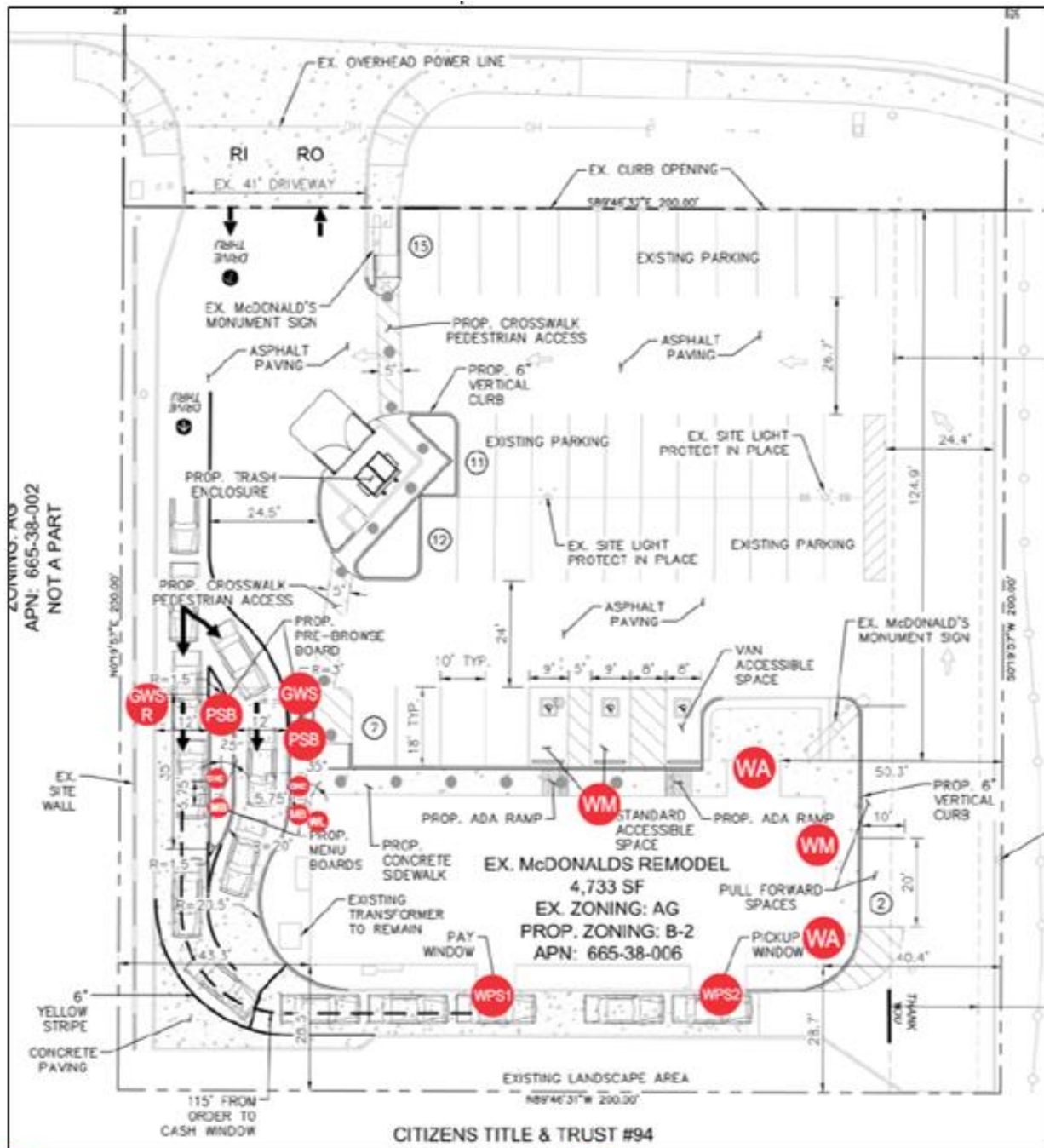
1. The conditions listed below are in addition to City codes, rules, fees and regulations that are applicable to this action.
2. The Owner's signature on the application for this land use action request takes the place of the requirement for a separate notarized and recorded "Waiver of Claims" document.

Community Planning: Richard Munguia, Senior Planner, (928) 373-5000, x3070

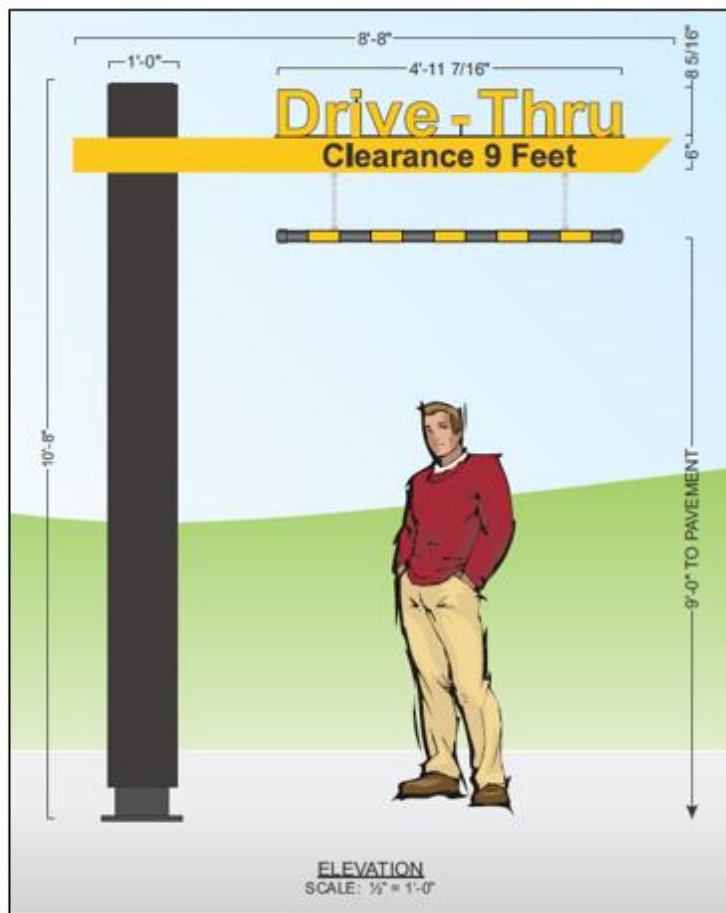
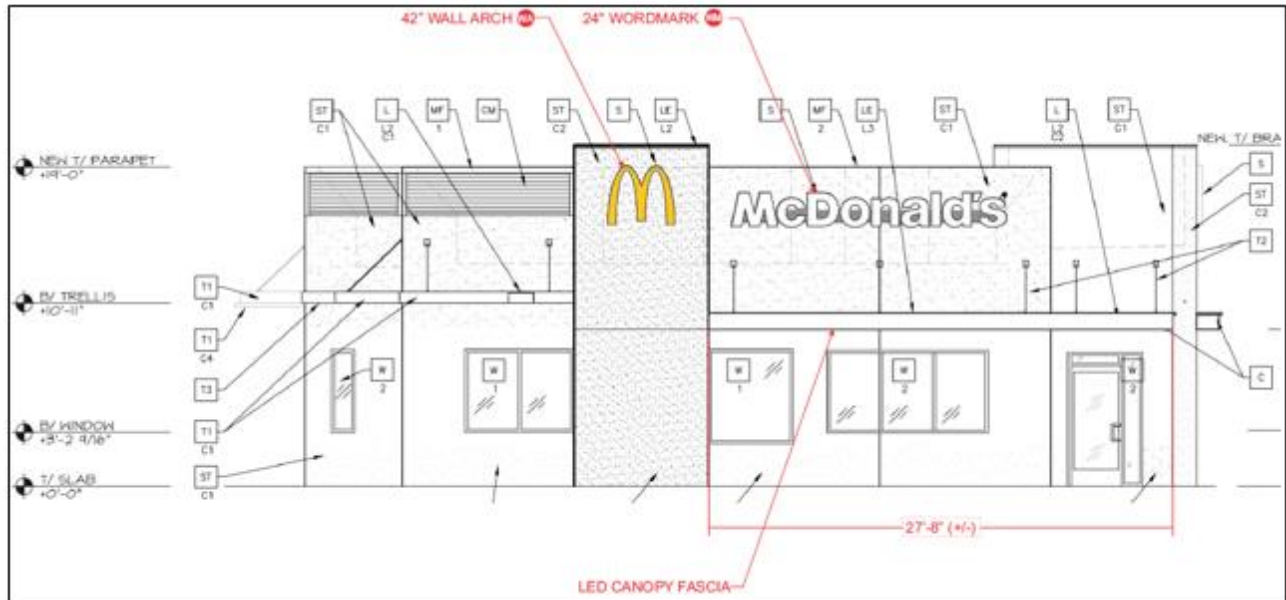
3. Any substantial modification to the overall site design as represented on the site plan will require a public hearing and be subject to the approval of the Planning and Zoning Commission. A substantial modification to the site plan would include, but not necessarily be limited to, the relocation of vehicular access, the modification of storm water retention or the relocation of a building or structure.
4. The conditions listed above shall be completed within two (2) years of the effective date of the approval of the Conditional Use Permit or prior to the issuance of any Building Permit, Certificate of Occupancy or City of Yuma Business License for this property. In the event that the conditions are not completed within this time frame, the Conditional Use Permit shall be null and void.
5. In any case where a Conditional Use Permit has not been used within two years after the granting thereof, it shall be null and void.
6. Prior to the expiration date of the Conditional Use Permit, the applicant has the option to file for a one-year time extension.

Any questions or comments regarding the Conditions of Approval as stated above should be directed to the staff member who provided the comment. Name and phone numbers are provided.

ATTACHMENT B SITE PLAN



ATTACHMENT C PHOTOS

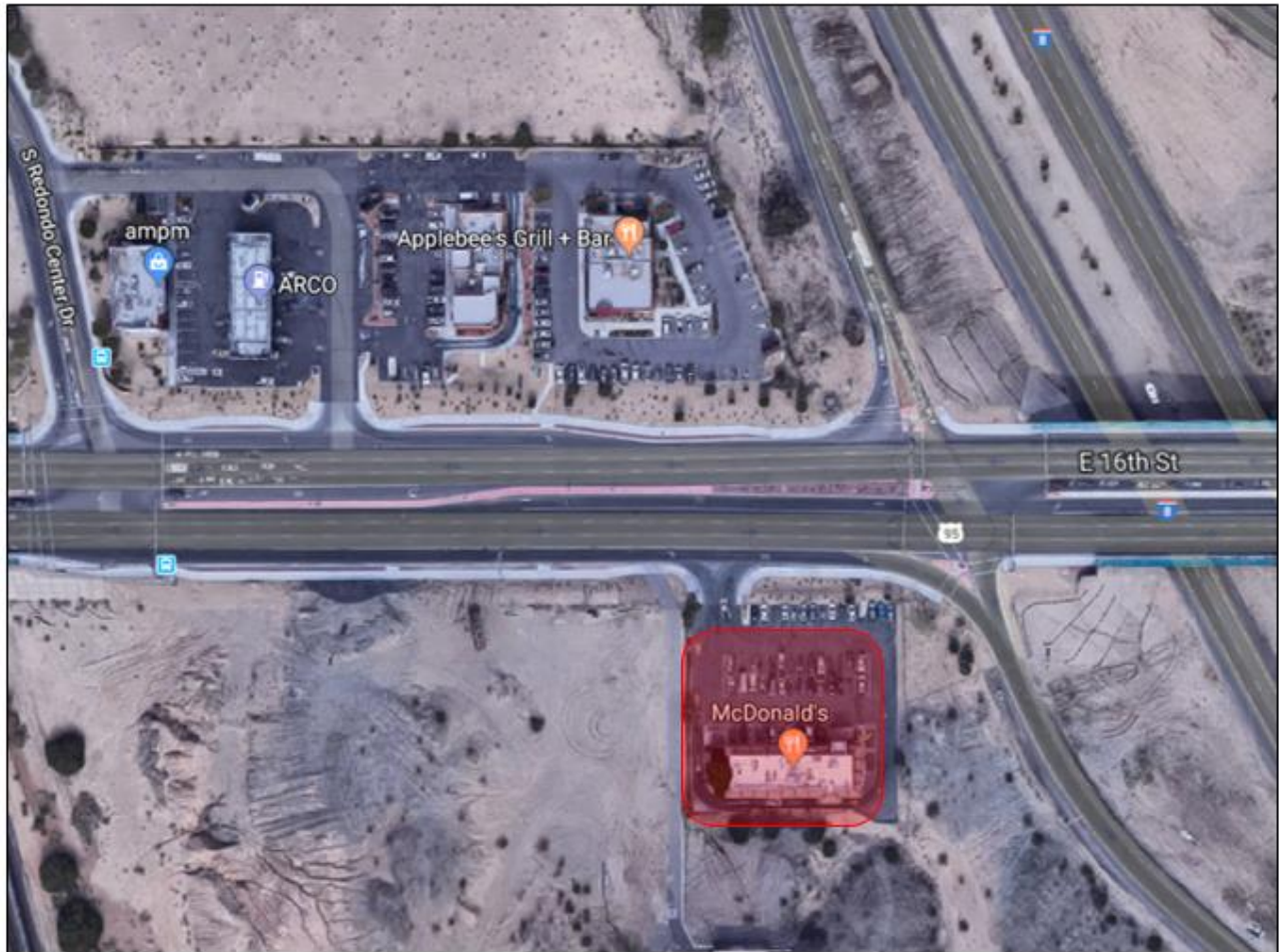


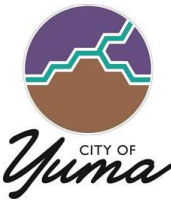
ATTACHMENT D AGENCY NOTIFICATIONS

- Legal Ad Published: The Sun 03/19/2021
- 300' Vicinity Mailing: 02/22/2021
- 34 Commenting/Reviewing Agencies noticed: 02/25/2021
- Site Posted on: 04/05/2021
- Neighborhood Meeting: N/A
- Hearing Date: 04/12/2021
- Comments due: 03/08/2021

External List (Comments)	Response Received	Date Received	"No Comment"	Written Comments	Comments Attached
Yuma County Airport Authority	X	02/25/2021	X		
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users' Assoc.	X	02/24/2021	X		
Yuma County Planning & Zoning	X	02/25/2021	X		
Yuma County Assessor	NR				
Arizona Public Service	NR				
Time Warner Cable	NR				
Southwest Gas	NR				
Qwest Communications	NR				
Bureau of Land Management	NR				
YUHS District #70	NR				
Yuma Elem. School District #1	NR				
Crane School District #13	NR				
A.D.O.T.	X	02/24/2021	X		
Yuma Irrigation District	NR				
Arizona Fish and Game	X	02/25/2021			
USDA – NRCS	NR				
United States Postal Service	NR				
Yuma Metropolitan Planning Org.	NR				
El Paso Natural Gas Co.	NR				
Western Area Power Administration	X	02/24/2021	X		
City of Yuma Internal List (Conditions)	Response Received	Date Received	"No Conditions"	Written Conditions	Comments Attached
Police	NR				
Parks & Recreation	NR				
Development Engineer	NR				
Fire	X	02/25/2021	X		
Building Safety	NR				
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	X	02/24/2021	X		
Utilities	NR				
Public Works	NR				
Streets	NR				

ATTACHMENT E
AERIAL PHOTO





STAFF REPORT TO THE PLANNING & ZONING COMMISSION
DEPARTMENT OF COMMUNITY DEVELOPMENT
COMMUNITY PLANNING DIVISION
CASE TYPE – CONDITIONAL USE PERMIT
CASE PLANNER: AMELIA GRIFFIN

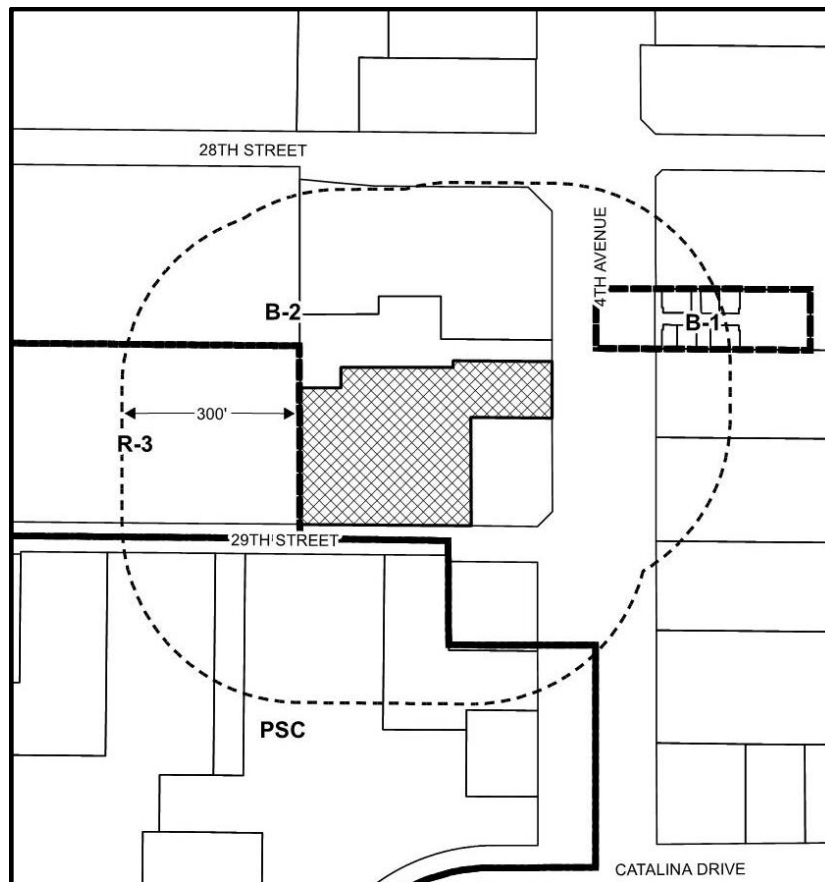
Hearing Date: April 26, 2021

Case Number: CUP-33078-2020

Project Description/Location: This is a request by Wallace Hunter, on behalf of Fury Lane, LLC, for a Conditional Use Permit to allow a drive-through restaurant, in the General Commercial (B-2) District. The property is located at 2820 S. 4th Avenue, Yuma, Arizona.

	Existing Zoning	Use(s) on-site	General Plan Designation
Site	General Commercial (B-2)	Vacant	Commercial
North	General Commercial (B-2)	Retail/Medical Office	Commercial
South	General Commercial (B-2)	Retail	Commercial
East	General Commercial (B-2)	Multi-Tenant Building	Commercial
West	High Density Residential (R-3)	Church	Medium Density Residential

Location Map:



Prior site actions: Annexation: Ord. 672 (July 21, 1956); Subdivision: Hastens 2 Lot Tie/Lot Split LS2004-002 (February 14, 2005); Conditional Use Permit: CU2004-013 (October 11, 2004); Pre-Development Meeting: PDM-31368-2020 (July 30, 2020); PDM-32960-2020 (December 1, 2020)

Staff Recommendation: Staff recommends **APPROVAL** of the Conditional Use Permit to allow a drive-through restaurant in the General Commercial (B-2) District, subject to the conditions outlined in Attachment A.

Suggested Motion: Move to **APPROVE** Conditional Use Permit CUP-33078-2021 as presented, subject to the staff report, information provided during this hearing, and the conditions in Attachment A.

Effect of the Approval: By approving the Conditional Use Permit, the Planning and Zoning Commission is authorizing the request by Wallace Hunter on behalf of Fury Lane, for a drive-through restaurant for the property located at 2820 S. 4th Avenue, subject to the conditions outlined in Attachment A, and affirmatively finds that the seven Conditional Use Permit criteria set forth in Section 154-03.05(G)(2) of the City of Yuma Zoning Code have been met.

Staff Analysis: The subject property is located near the northwest corner of 4th Avenue and 29th Street and currently features an approximately 28,000 square foot building. The applicant is proposing a 3,600 square foot restaurant in a portion of the building that will utilize the existing drive-through. The remaining portion of the building will be subdivided for potential retail space.

The existing drive-through was initially approved through a Conditional Use Permit Application in 2004 (CU2004-013) however, the Conditional Use Permit has expired and therefore the drive-through restaurant requires a new Conditional Use Permit. Additionally, the applicant is proposing a modification to the existing drive-through. The service window will be relocated approximately 20' to the east.

The property was split into four separate parcels in 2004 (LS2004-002) and a parking agreement was recorded. Based upon the current uses on the properties as a restaurant, retail, and a medical office, the parking requirement is as follows: one space for each 50 square feet of gross floor area where the public is served, one space for each 400 square feet of gross floor area, and one space for each 150 square feet of gross floor area respectively. According to the parking calculation, a total of 190 parking spaces are required. There is a total of 220 parking spaces on-site.

In addition to the required parking for the uses on site, a drive-through restaurant must provide seven spaces for each service window. This stacking capacity has been provided as indicated on the site plan (Attachment B).

1. What are the impacts of the proposed conditional use on neighboring properties and what conditions are being proposed to resolve those impacts?

SPECIFIC IMPACT AREA		ISSUE	CONDITION #
A.	Traffic	None	
B.	Parking	None	
C.	Lighting	None	
D.	Hours of Operation	None	
E.	Indoor/Outdoor Activities	None	
F.	Noise	None	
G.	Air Quality	None	
H.	Hazardous Materials	None	
I.	Crime Prevention (CPTED)	None	
J.	Other	None	

2. Does the site plan comply with the requirements of the zoning code?

Yes. The site plan conforms to the requirements outlined within the City of Yuma Zoning Code.

3. Does the proposed use and site plan comply with Transportation Element requirements?

FACILITY PLANS						
Transportation Master Plan		Planned	Existing	Gateway	Scenic	Hazard
4 th Avenue – Minor Arterial		50 FT H/W ROW	75 FT H/W ROW			X
29 th Street – Local Street		29 FT H/W ROW	30 FT H/W ROW			
Bicycle Facilities Master Plan		N/A				
YCAT Transit System		Green Route 4/4A				
Issues:		None				

4. Does the proposed conditional use conform to all prior City Council actions for this site?

Yes.

5. Can the P&Z Commission answer the following questions affirmatively?

(1) Is the Planning and Zoning Commission, or the City Council, authorized under the zoning code to grant the conditional use permit described in the application?

Yes. The Planning and Zoning Commission has the authority to review and approve this request per Section 154-08.04(E)(1), which requires a Conditional Use Permit for drive-through facilities for any restaurant.

(2) Will the establishment, maintenance, and/or operation of the requested conditional use, under the circumstances of the particular case, not be detrimental to the health, safety; peace, morals, comfort, or general welfare of persons residing, or working, in the vicinity or such proposed use, or be detrimental, or injurious, to the value of property in the vicinity, or to the general welfare of the city?

Yes. The proposed use will not be detrimental to the health and safety, or general welfare of person residing or working in the vicinity.

(3) Are the provisions for ingress, egress, and traffic circulation, and adjacent public streets adequate to meet the needs of the requested conditional use?

Yes. The site was previously developed and operated with two drive thru facilities on the north and south side of the properties. This was demonstrated as adequate by the previous and proposed use.

(4) Are the provisions for building(s) and parking facility setbacks adequate to provide a transition from, and protection to, existing and contemplated residential development?

Yes. The existing building(s) and parking facility setbacks adequately provide a transition from, and protection to, existing and contemplated residential development.

(5) Are the height and bulk of the proposed buildings, and structures, compatible with the general character of development in the vicinity of the requested conditional use?

Yes. The current bulk and height of the existing buildings are consistent with the surrounding development; the applicant has indicated that the proposed modifications to the site will not alter the size of the buildings.

(6) Have provisions been made to attenuate noise levels and provide for adequate site, and security lighting?

Yes. The site will provide the necessary means to meet requirements regarding noise level reductions and site lighting for security purposes.

(7) Has the site plan for the proposed conditional use, including, but not limited to landscaping, fencing, and screen walls and/or planting, CPTED strategies (Crime Prevention Through Environmental Design), and anti-graffiti strategies been adequately provided to achieve compatibility with adjoining areas?

Yes. The proposed use of the site includes proper screening and landscaping consistent with the Crime Prevention Through Environmental Design (CPTED) principles for visual surveillance.

Public Comments Received:

Name:	Justin Haile				Contact Information: (928) 246-4979						
Method of Contact:	Phone	X	FAX		Email		Letter		Other		
Questions about the proposed use.											

Agency Comments: None Received.

Discussions with Applicant/Agent: February 3, 2021 and March 24, 2021

Proposed conditions delivered to applicant on: March 24, 2021

Final staff report delivered to applicant on: March 29, 2021

- ☒ Applicant agreed with all of the conditions of approval on: March 24, 2021
☐ Applicant did not agree with the following conditions of approval: (list #'s)
☐ If the Planner is unable to make contact with the applicant – describe the situation and attempts to contact.

ATTACHMENTS:

A	B	C	D	E	F
Conditions of Approval	Site Plan	Floor Plan	Site Photos	Agency Notifications	Aerial Photo

Prepared By:  **Date:** 3/31/21
Amelia Griffin
Associate Planner
Amelia.Griffin@yumaaz.gov (928)373-5000, x3034

Approved By:  **Date:** 04/01/2021
Alyssa Linville,
Assistant Director Community Development

ATTACHMENT A
CONDITIONS OF APPROVAL

The following conditions of approval are roughly proportionate to the impacts associated with the conditional use and expected development on the property.

**Community Development Comments: Alyssa Linville, Assistant Director,
Community Development, (928) 373-5000, x 3037:**

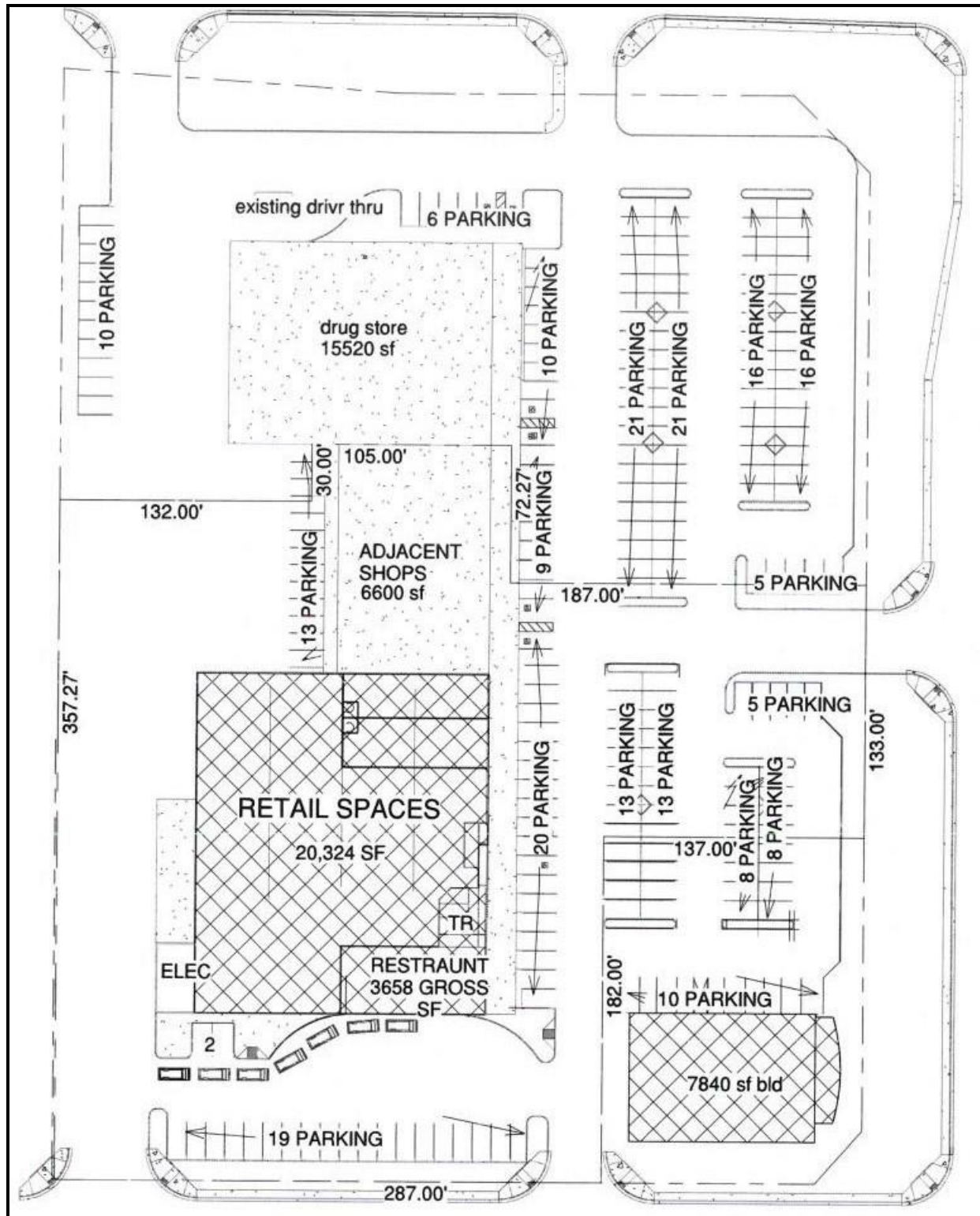
1. The conditions listed below are in addition to City codes, rules, fees and regulations that are applicable to this action.
2. The Owner's signature on the application for this land use action request takes the place of the requirement for a separate notarized and recorded "Waiver of Claims" document.
3. The Owner shall submit to the City of Yuma, for recordation, a signed and notarized Avigation Easement on the property acknowledging potential noise and overflight of aircraft from both daily and special operations of the Marine Corps Air Station and the Yuma International Airport.

Community Planning: Amelia Griffin, Associate Planner, (928) 373-5000 x 3034

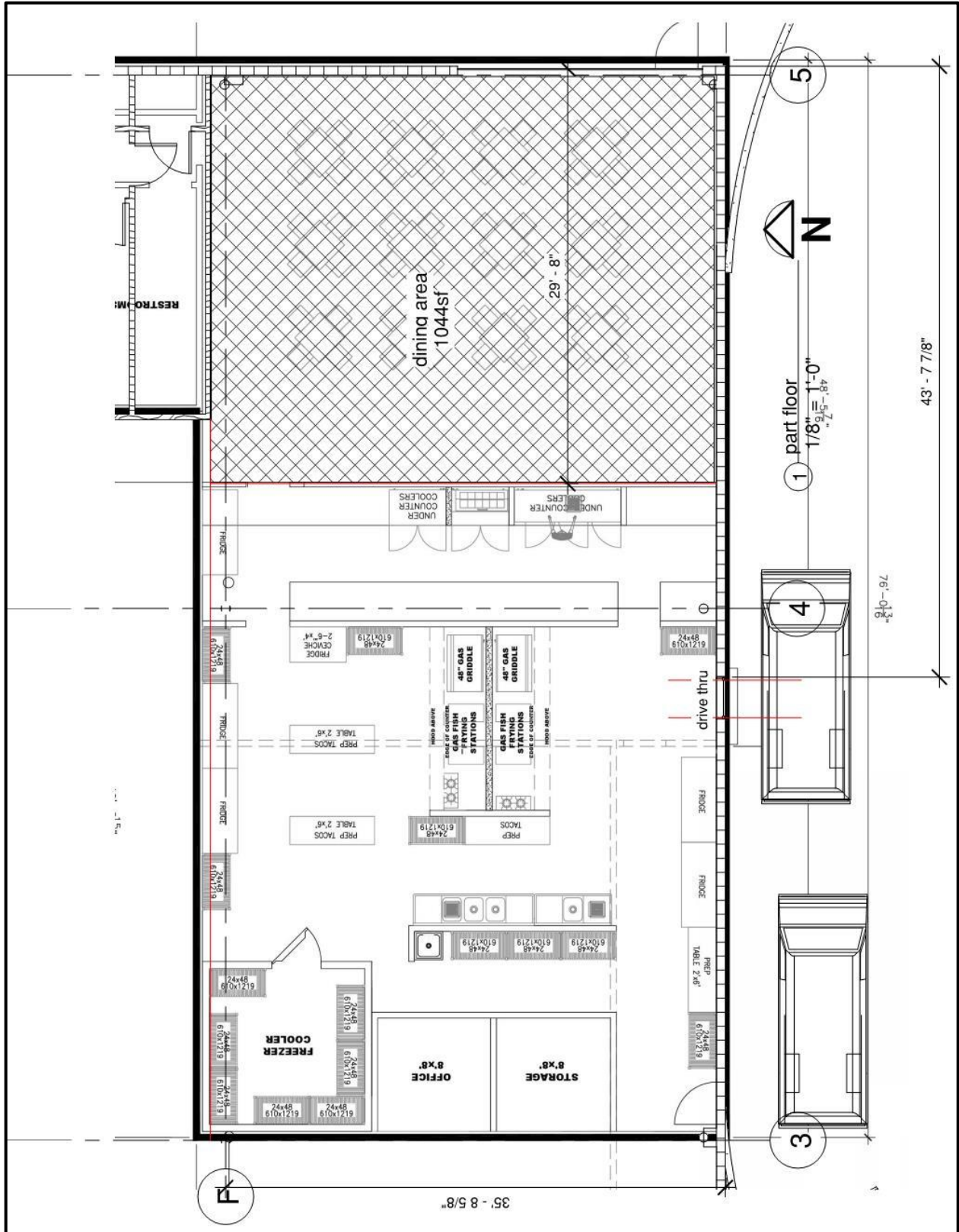
4. Any substantial modification to the overall site design as represented on the site plan will require a public hearing and be subject to the approval of the Planning and Zoning Commission. A substantial modification to the site plan would include, but not necessarily be limited to, the relocation of vehicular access, the modification of storm water retention or the relocation of a building or structure.
5. The conditions listed above shall be completed within one (1) year of the effective date of the approval of the Conditional Use Permit or prior to the issuance of any Building Permit, Certificate of Occupancy or City of Yuma Business License for this property. In the event that the conditions are not completed within this time frame, the Conditional Use Permit shall be null and void.
6. In any case where a Conditional Use Permit has not been used within one year after the granting thereof, it shall be null and void.
7. Prior to the expiration date of the Conditional Use Permit, the applicant has the option to file for a one-year time extension.

Any questions or comments regarding the Conditions of Approval as stated above should be directed to the staff member who provided the comment. Name and phone numbers are provided.

ATTACHMENT B SITE PLAN



ATTACHMENT C FLOOR PLAN



ATTACHMENT D
SITE PHOTOS

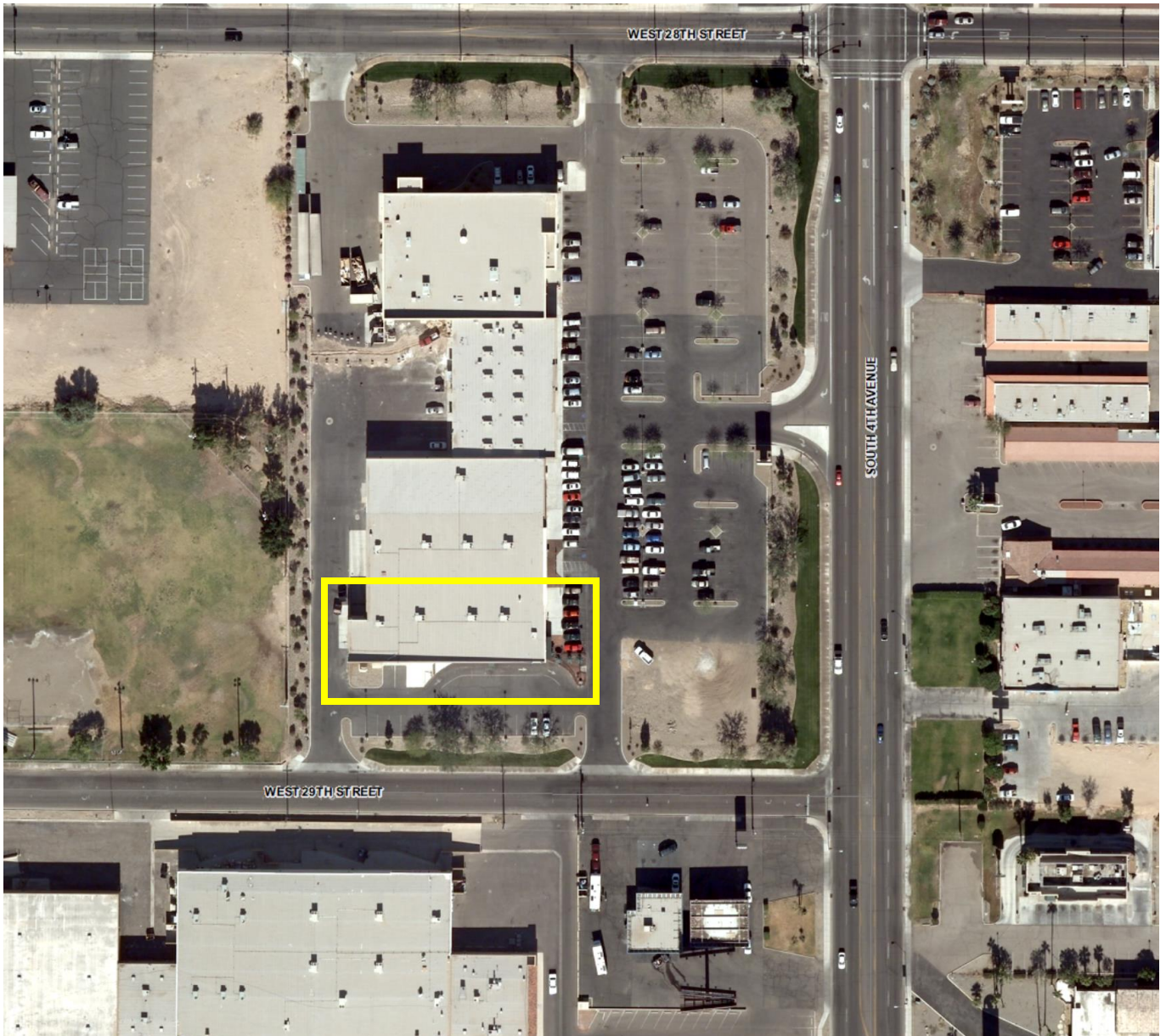


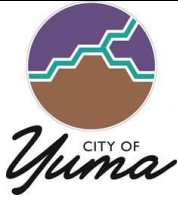
ATTACHMENT E AGENCY NOTIFICATIONS

- Legal Ad Published: The Sun (03/19/21)
- 300' Vicinity Mailing: (02/22/21)
- 34 Commenting/Reviewing Agencies noticed: (02/25/21)
- Site Posted on: (04/05/21)
- Neighborhood Meeting: (N/A)
- Hearing Date: (04/12/21)
- Comments due: (03/08/21)

External List (Comments)	Response Received	Date Received	"No Comment"	Written Comments	Comments Attached
Yuma County Airport Authority	YES	2/25/21	X		
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users' Assoc.	YES	2/24/21	X		
Yuma County Planning & Zoning	YES	2/25/21	X		
Yuma County Assessor	NR				
Arizona Public Service	NR				
Time Warner Cable	NR				
Southwest Gas	NR				
Qwest Communications	NR				
Bureau of Land Management	NR				
YUHS District #70	NR				
Yuma Elem. School District #1	NR				
Crane School District #13	NR				
A.D.O.T.	YES	2/24/21	X		
Yuma Irrigation District	NR				
Arizona Fish and Game	YES	2/25/21	X		
USDA – NRCS	NR				
United States Postal Service	NR				
Yuma Metropolitan Planning Org.	NR				
El Paso Natural Gas Co.	NR				
Western Area Power Administration	YES	2/24/21	X		
City of Yuma Internal List (Conditions)	Response Received	Date Received	"No Conditions"	Written Conditions	Comments Attached
Police	NR				
Parks & Recreation	NR				
Development Engineer	NR				
Fire	YES	2/25/21	X		
Building Safety	NR				
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	YES	2/24/21	X		
Utilities	NR				
Public Works	NR				
Streets	NR				

ATTACHMENT F
AERIAL PHOTO





**STAFF REPORT TO THE PLANNING AND ZONING COMMISSION
DEPARTMENT OF COMMUNITY DEVELOPMENT
COMMUNITY PLANNING DIVISION
CASE TYPE – PRELIMINARY SUBDIVISION
CASE PLANNER: RICHARD MUNGUIA**

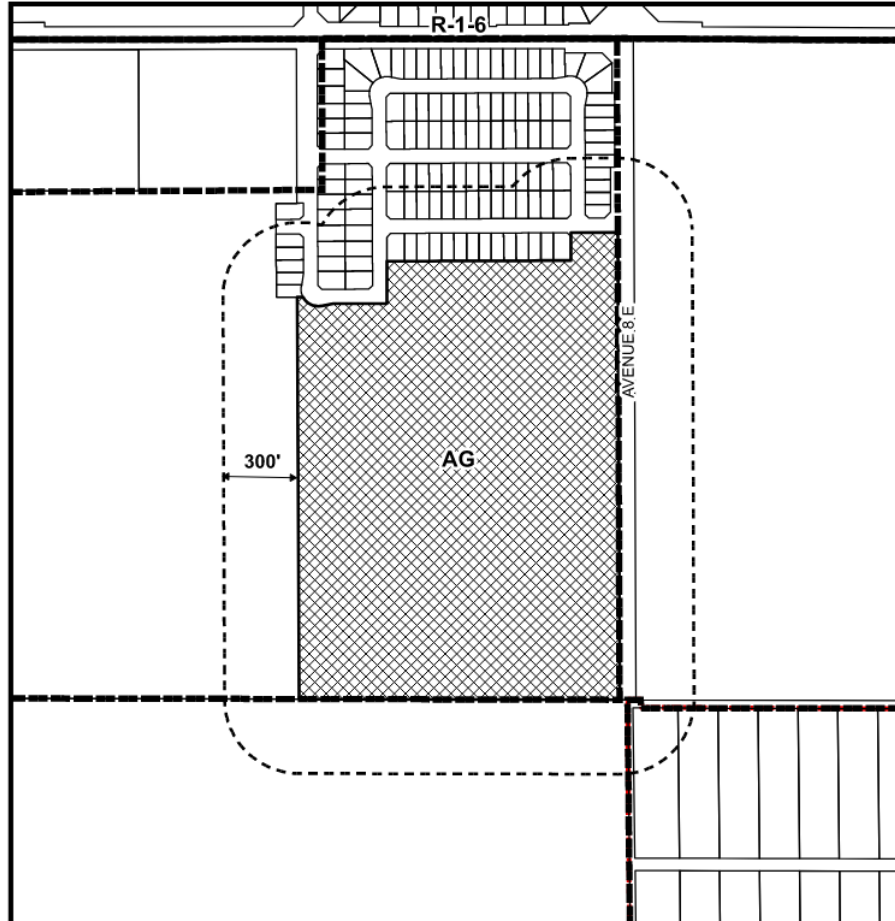
Hearing Date: April 26, 2021

Case Number: SUBD-33735-2021

Project Description/Location: This is a request by Dahl, Robins, and Associates, Inc., on behalf of Yucca Land Company, LLC, for approval of the preliminary plat for the Desert Sands Subdivision Unit 3, proposed to be divided into 122 residential lots ranging in size from 5,078 square feet to 13,338 square feet. The property is located at the southwest corner of E. 45th Street and S. Avenue 8E, Yuma, AZ.

	Existing Zoning	Existing Land Use	Designated Land Use
Site	Low Density Single-Family Residential (R-1-5)	Future Single-Family Subdivision	Low Density Residential
North	Low Density Single-Family Residential (R-1-5)	Future Single-Family Subdivision	Low Density Residential
South	Agriculture (AG)	Undeveloped	Rural Density Residential
East	Agriculture (AG)	Undeveloped	Low Density Residential
West	Medium Density Single-Family Residential (R-2-5)	Undeveloped	Low Density Residential

Location Map



Prior site actions: Annexation: Ord. O97-81 (January 2, 1998); General Plan Amendment: Res. R2004-89 (December 13, 2014; Suburban Density Residential to Low Density Residential/Commercial); Rezone: Ordinance 2019-014 (March 6, 2019 – AG to R-1-5);

Staff Recommendation: Staff recommends **APPROVAL** of the preliminary plat for the Desert Sands Subdivision Unit 3, subject to the conditions outlined in Attachment A.

Suggested Motion: Move to **APPROVE** Preliminary Plat SUBD-33735-2021 as presented, subject to the staff report, information provided during this hearing, and the conditions in Attachment A.

Effect of the Approval: By approving the preliminary plat, the Planning and Zoning Commission is acknowledging the street and lot layout of Desert Sands Subdivision Unit 3, which includes 122 lots ranging in size from 5,078 square feet to 13,338 square feet for the property located at the southwest corner of E. 45th Street and S. Avenue 8 E, subject to the conditions of the rezoning and the conditions outlined in Attachment A, and affirmatively finds that the request is in conformance with the City of Yuma Subdivision Code and General Plan and is compatible with surrounding land uses.

Staff Analysis: The subject property was annexed into the City of Yuma on January 2, 1998 and rezoned to the Low Density Single-Family Residential (R-1-5) District in 2019. The subject property is currently undeveloped and is intended to be the third phase of the Desert Sands Subdivision.

The subject property consists of approximately 24.2599 acres. This subdivision will be developed with frontage along Avenue 8 E, and 44th Street. The applicant is proposing to develop the area with 122 single-family homes. The applicant is proposing lot sizes to range from 5,078 square feet to 13,338 square feet. As discussed in further detail in §154-05.05, the following are some of the main development standards required of development within the Low Density Single-Family Residential (R-1-5) District:

1. The maximum density in the Low Density Single-Family Residential (R-1-5) District shall be one unit per 5,000 square feet of land (meeting the density as identified in the General Plan);
2. The maximum lot coverage in the Low Density Single-Family Residential (R-1-5) District shall be 35% of the lot area;
3. A minimum front yard setback of twenty feet;
4. The minimum side yard setbacks shall be five feet on one side; and nine feet on the other side;
5. A minimum rear yard setback of ten feet;
6. A minimum street side yard setback of ten feet;
7. The side and rear yards shall have six foot solid block walls on the property lines; and
8. Each lot in the Low Density Single-Family Residential (R-1-5) District shall have a minimum of one 15-gallon street tree and accompanying underground irrigation system.

Each lot in the Low Density Single-Family Residential (R-1-5) District shall have a minimum of one 15-gallon street tree and accompanying underground irrigation system. With this development Staff will be requiring that a Municipal Improvement District (MID) be established for the maintenance of required subdivision landscaping. The MID will need to be established prior to the issuance of any residential building permits.

1. Does the subdivision comply with the zoning code and the zoning district development standards?

Yes.

2. Does the subdivision comply with the subdivision code requirements?

Standard	Subdivision							Conforms					
Lot Size	Minimum:		5,078 sq ft			Maximum:		13,338 sq ft		Yes	X	No	
Lot Depth	Minimum:		102 ft			Maximum:		139.18 ft		Yes	X	No	
Lot Width/Frontage	Minimum:		50 ft			Maximum:		60 ft		Yes	X	No	
Setbacks	Front:	20'	Rear:	10'	Side:	5' on one side 9' on the other			Yes	X	No		
District Size	24.25		Acres							Yes	X	No	
Density	5.0		Dwelling units per acre							Yes	X	No	
Issues: None													

Requirements	Conforms					
General Principles	Yes	X	No		N/A	
Streets	Conforms					
Circulation	Yes	X	No		N/A	
Arterial Streets	Yes	X	No		N/A	
Existing Streets	Yes		No		N/A	X
Cul-de-sacs	Yes		No		N/A	X
Half Streets	Yes		No		N/A	X
Stub Streets	Yes	X	No		N/A	
Intersections	Yes	X	No		N/A	
Easements	Yes	X	No		N/A	
Dimensional Standards	Yes	X	No		N/A	

Issues: None

Blocks	Conforms					
Length	Yes	X	No		N/A	
Irregular Shape	Yes		No		N/A	X
Orientation to Arterials	Yes		No		N/A	X
Business or Industrial	Yes		No		N/A	X

Issues: None

Lots	Conforms					
Minimum Width	Yes	X	No		N/A	
Length and Width Ratio	Yes	X	No		N/A	
Fronting on Arterials	Yes		No		N/A	X
Double Frontage	Yes		No		N/A	X
Side Lot Lines	Yes	X	No		N/A	
Corner Lots	Yes	X	No		N/A	
Building Sites	Yes	X	No		N/A	
Street Frontage	Yes	X	No		N/A	

Issues: None

3. Does the subdivision comply with the elements, plans and policies of the General Plan?

Land Use Element:												
Land Use Designation:				Low Density Residential								
Issues:				None								
Historic District:		Brinley Avenue			Century Heights			Main Street			None	X
Historic Buildings on Site:		Yes		No	X							

Transportation Element:														
FACILITY PLANS														
TRANSPORTATION MASTER PLAN			Planned		Existing		Gateway		Scenic		Hazard		Truck	
Avenue 7 ½E			40 FT H/W ROW		50 FT H/W ROW									
40 th Street			40 FT H/W ROW		50 FT H/W ROW									
Bicycle Facilities Master Plan			E 32 nd Street: Existing Bike Path											
YCAT Transit System			N/A											
Issues:			None											
Parks, Recreation and Open Space Element:														
Parks and Recreation Facility Plan														
Neighborhood Park:		Existing: Saguaro Park					Future: Saguaro Park							
Community Park:		Existing: None					Future: None							
Linear Park:		Existing: None					Future: A Canal Linear Park							
Issues:		Minimal access to nearby facilities.												
Housing Element:														
Special Need Household:		N/A												
Issues:		None												
Redevelopment Element:														
Planned Redevelopment Area:		N/A												
Adopted Redevelopment Plan:		North End:				Carver Park:				None:		X		
Conforms:		Yes		X		No								
Conservation, Energy & Environmental Element:														
Impact on Air or Water Resources		Yes				No		X						
Renewable Energy Source		Yes				No		X						
Issues:		None												
Public Services Element:														
Population Impacts Population projection per 2013-2017 American Community Survey Police Impact Standard: 1 officer for every 530 citizens; Water Consumption: 300 gallons per day per person; Wastewater generation: 100 gallons per day per person			Dwellings & Type		Projected Population		Police Impact		Water Consumption		Wastewater Generation			
			<i>Single Family</i>											
			Proposed	Per Unit			Officers			GPD	AF	GPD		
			122	2.8	342		0.64	102,480		114.8	34,160			
Fire Facilities Plan:		Existing: Fire Station No. 5					Future: Fire Station No. 7							
Water Facility Plan:		Source:		City	X	Private			Connection		20" PVC @ E 45 nd Street			
Sewer Facility Plan:		Treatment:		City	X	Septic			Private		12" PVC @ E 45 th Street			
Issues:		Water and sewer lines will need to be extended to provide services for the future development.												
Safety Element:														
Flood Plain Designation:		Flood Zone X		Liquefaction Hazard Area:					Yes		No		X	
Issues:		None												
Growth Area Element:														
Growth Area:		Araby Rd & Interstate 8		Arizona Ave & 16 th St						Avenue B & 32 nd St.				
		North End		Pacific Ave & 8 th St		Estancia				None		X		
Issues:		None												

Public Comments Received:

None Received.

External Agency Comments:

See Attachment D.

Neighborhood Meeting Comments:

No Meeting Required.

Proposed conditions delivered to applicant on:

March 22, 2021.

Final staff report delivered to applicant on:

March 29, 2021.

<input type="checkbox"/>	Applicant agreed with all of the conditions of approval on:
<input type="checkbox"/>	Applicant did not agree with the following conditions of approval: (list #'s)
<input checked="" type="checkbox"/>	If the Planner is unable to make contact with the applicant – describe the situation and attempts to contact. E-mailed applicant, awaiting reply.

Attachments

A	B	C	D	E
Preliminary Plat Conditions of Approval	Preliminary Plat Map	Agency Notifications	Agency Comments	Aerial Photo

Prepared By:
Richard Munguia
Senior Planner

**Date:**

3/26/2021

Richard.Munguia@YumaAZ.gov (928)373-5000, x3070

Approved By:

Alyssa Linville,
Assistant Director Community Development

Date:

04/01/2021

**ATTACHMENT A
PRELIMINARY PLAT
CONDITIONS OF APPROVAL**

The following conditions of approval have been determined to have a reasonable nexus to the requested subdivision application and are roughly proportionate to the impacts associated with the subdivision and expected development on the property.

Community Development Comments: Alyssa Linville, Assistant Director, Community Development, (928) 373-5000, x 3037:

1. The conditions are in addition to City codes, rules, fees and regulations that are applicable to this action.
2. The Owner's signature on the application for this land use action request takes the place of the requirement for a separate notarized and recorded "Waiver of Claims" document.

City Attorney Comments: (928) 373-5058:

3. The rights-of-way must be dedicated free and clear to the City, and all easements in the right-of-way must be vacated unless the easement is specifically presented to the City, and the City specifically approves its acceptance. Approval of the plat is not approval of an easement in the right-of-way.
4. Any easements on other property in the subdivision must be vacated to the extent that they would require a utility, licensed cable operator, or other licensed or franchised communications system (collectively, the "utilities") to:
 - a. pay to cross the easement to reach any structure on the lot;
 - b. prevent the utilities from providing service to any structure on a lot; or
 - c. effectively prevent any entity authorized to place facilities in a utility easement from using the easements or accessing potential customers passed by the easement.
5. Approval of the plat does not authorize the maintenance or installation of any facility in the rights of way, whether or not contemplated by the plat, without a license, franchise, or similar authorization issued by the City.

Engineering Comments: Agustin Cruz, Senior Civil Engineer (928) 373-5182:

6. The owner/developer and subsequent property owners shall not construct any gate or provide access locations crossing the 1 foot non-access easement (1' NAE) as listed in this subdivision plat.

Fire Department Comments: Kayla Franklin, Fire Marshal, (928) 373-4865:

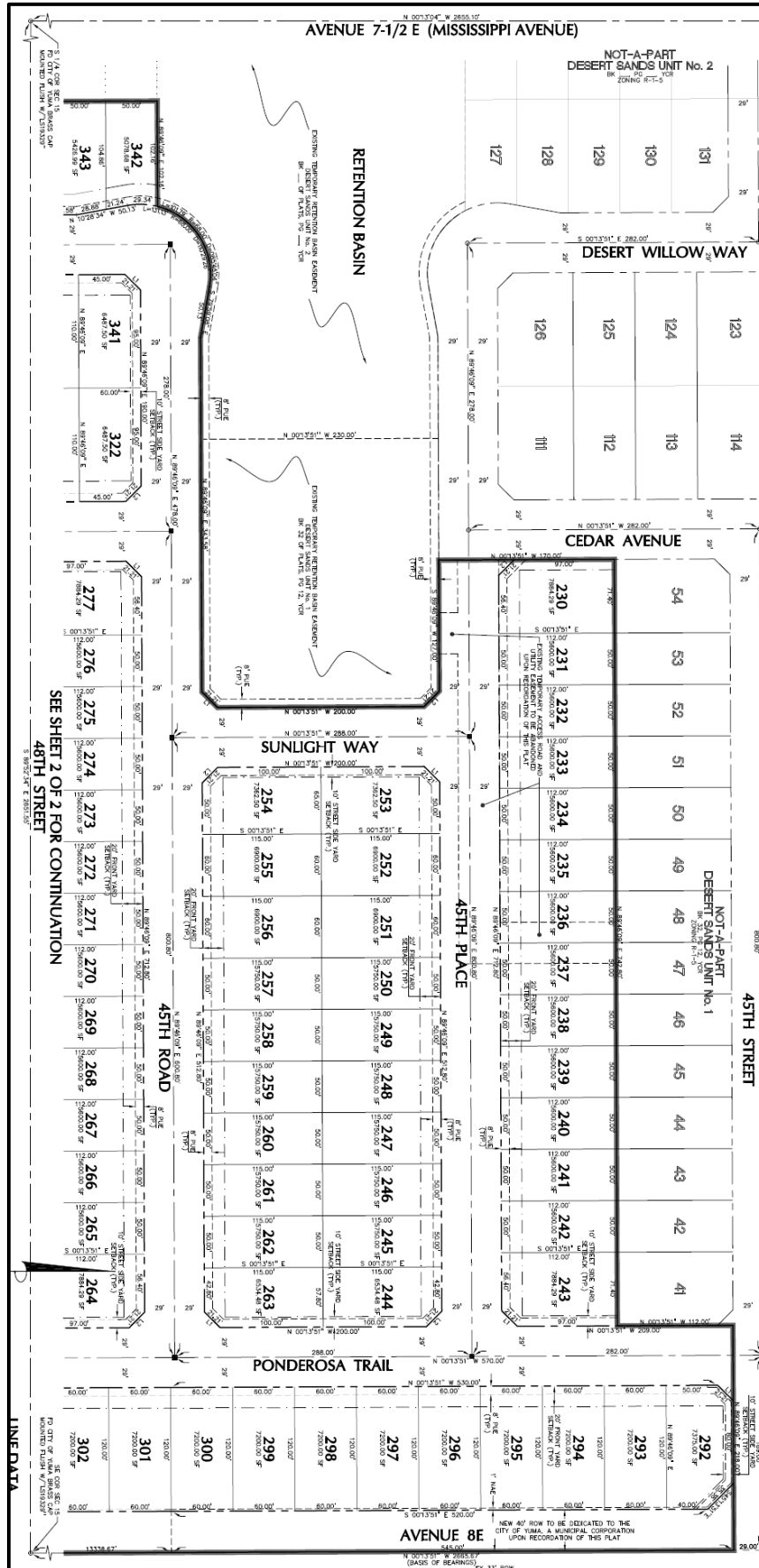
7. Please submit revised drawing connecting Desert Willow Way and Cedar Avenue.

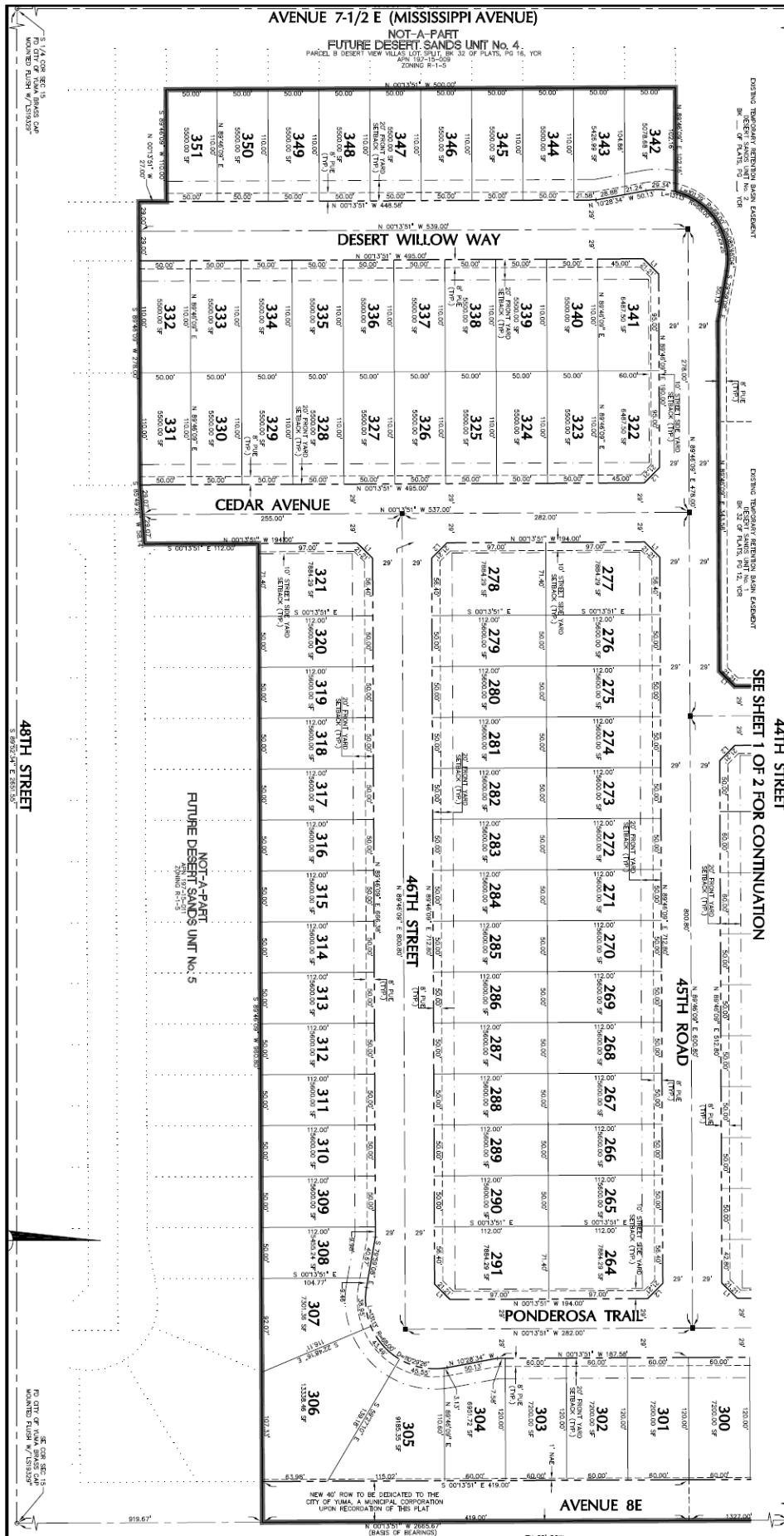
Community Planning Conditions: Richard Munguia, Senior Planner, (928) 373-5000, x3070:

8. The Owner shall submit a final plat within three (3) year of Preliminary Plat approval. Should a Final Plat not be submitted within three (3) year of the effective date of approval of the Preliminary Plat, the approval of this Preliminary Plat shall be null and void, unless the conditions are contained in an executed Pre-development Agreement.

Any questions or comments regarding the Conditions of Approval as stated above should be directed to the staff member who provided the comment. Name and phone numbers are provided.

ATTACHMENT B PRELIMINARY PLAT MAP





ATTACHMENT C AGENCY NOTIFICATIONS

- Legal Ad Published: The Sun 03/19/2021
- 300' Vicinity Mailing: 02/22/2021
- 34 Commenting/Reviewing Agencies noticed: 02/25/2021
- Site Posted on: 04/05/2021
- Neighborhood Meeting: N/A
- Hearing Date: 04/12/2021
- Comments due: 03/08/2021

External List (Comments)	Response Received	Date Received	"No Comment"	Written Comments	Comments Attached
Yuma County Airport Authority	X	02/25/2021	X		
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users' Assoc.	X	03/05/2021	X		
Yuma County Planning & Zoning	NR				
Yuma County Assessor	NR				
Arizona Public Service	NR				
Time Warner Cable	NR				
Southwest Gas	NR				
Qwest Communications	NR				
Bureau of Land Management	NR				
YUHS District #70	NR				
Yuma Elem. School District #1	NR				
Crane School District #13	NR				
A.D.O.T.	X	02/24/2021	X		
Yuma Irrigation District	NR				
Arizona Fish and Game	X	03/05/2021		X	
USDA – NRCS	NR				
United States Postal Service	NR				
Yuma Metropolitan Planning Org.	NR				
El Paso Natural Gas Co.	NR				
Western Area Power Administration	X	02/24/2021	X		
City of Yuma Internal List (Conditions)	Response Received	Date Received	"No Conditions"	Written Conditions	Comments Attached
Police	NR				
Parks & Recreation	NR				
Development Engineer	NR				
Fire	X	02/25/2021		X	
Building Safety	NR				
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	X	02/24/2021		X	X
Utilities	NR				
Public Works	NR				
Streets	NR				

ATTACHMENT D
AGENCY COMMENTS

☒ Condition(s)

☐ No Condition(s)

☐ Comment

Enter conditions here: MCAS Yuma has reviewed the case for APN 197-15-011. The subject parcel is located approximately 0.98 miles from the Barry M. Goldwater Range West (BMGR-W) boundary. It is requested that an Avigation easement and Range Disclosure Statement be recorded that recognizes the noise, interference or vibrations due to aviation operations that may occur at the nearby Marine Corps Air Station Yuma/Yuma International Airport Aviation Complex/BMGR -W Range and its associated flight paths. Please send a copy of the recorded easements to MCASYUMA_CPLO@usmc.mil. Thank you for the opportunity to comment.

DATE: 24 Feb 2021 NAME:  Antonio Martinez TITLE: Community Liaison Specialist
CITY DEPT: MCAS Yuma
PHONE: 928-269-2103
RETURN TO: Richard Munguia
Richard.Munguia@YumaAZ.gov

☒ Condition(s)

☐ No Condition(s)

☐ Comment

Enter conditions here: please submit revised drawing connecting Desert Willow Way and Cedar Ave.

DATE: 2/25/21 NAME: Kayla Franklin TITLE: Fire Marshal
CITY DEPT: Fire
PHONE: 928-373-4865
RETURN TO: Richard Munguia
Richard.Munguia@YumaAZ.gov

☒ COMMENT

☐ NO COMMENT

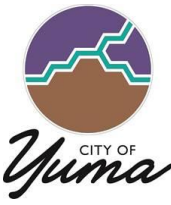
Enter comments below:

See Submitted Letter

DATE: 3/16/21 NAME: Ian Latella TITLE: Habitat Specialist
AGENCY: AZGFD
PHONE: 928-580-0163
RETURN TO: Richard Munguia
Richard.Munguia@YumaAZ.gov

ATTACHMENT G
AERIAL PHOTO





STAFF REPORT TO THE PLANNING & ZONING COMMISSION
DEPARTMENT OF COMMUNITY DEVELOPMENT
COMMUNITY PLANNING DIVISION
CASE TYPE – CONDITIONAL USE PERMIT
CASE PLANNER: CHAD BROWN

Hearing Date: April 26, 2021

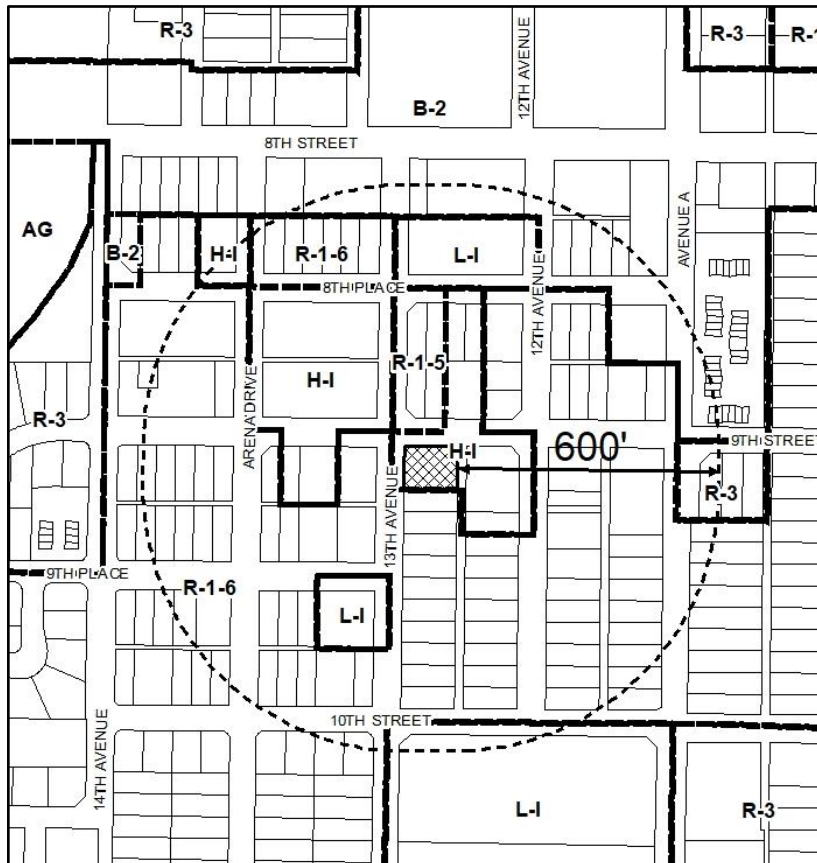
Case Number: CUP-33939-2021

Project Description/Location:

This is a request by Maria A. Velez, on behalf of ZAYD, LLC C/O Realty Executives, for a Conditional Use Permit for an industrial use within 600' of residential in the Heavy Industrial/Infill Overlay (H-I/IO) District, on the property located at 1275 W. 9th St, Yuma, AZ.

	Existing Zoning	Use(s) on-site	General Plan Designation
Site	Heavy Industrial/Infill (H-I/IO)	Window Tinting	Low Density Residential
North	Low Density Residential/ Heavy Industrial/Infill Overlay (R-1-5/H-I/Infill)	Residential/Vacant Industrial	Low Density Residential
South	Low Density Residential/Infill Overlay (R-1-6/IO)	Residential	Low Density Residential
East	Heavy Industrial/Infill Overlay (H-I/IO)	Vacant Industrial	Low Density Residential
West	Low Density Residential/Infill Overlay (R-1-6/IO)	Residential	Low Density Residential

Location Map:



Prior site actions: Annexation: Ordinance No. 199 (December 31, 1959); Rezone: Ordinance No. 1979 (December 17, 1980).

Staff Recommendation: Staff recommends **APPROVAL** of the Conditional Use Permit to for an industrial use (window tinting) within 600' feet of residential in the Heavy Industrial (H-I) District, subject to the conditions outlined in Attachment A.

Suggested Motion: Move to **APPROVE** Conditional Use Permit CUP-33939-2021 as presented, subject to the staff report, information provided during this hearing, and the conditions in Attachment A.

Effect of the Approval: By approving the Conditional Use Permit, the Planning and Zoning Commission is authorizing the request for an industrial use within 600' feet of residential for the property located at 1275 W. 9th St., subject to the conditions outlined in Attachment A, and affirmatively finds that the seven Conditional Use Permit criteria set forth in Section 154-03.05(G)(2) of the City of Yuma Zoning Code have been met.

Staff Analysis: The subject property is located at 1275 W. 9th St., and is in the Heavy Industrial/Infill Overlay (H-I/O) District. This 12,291 square foot property was annexed into the City of Yuma on December 31, 1959. Upon annexation, the property was zoned Industrial "B". In December 1980, the City of Yuma adopted a zoning designation change: all industrial "A" Districts were designated to Light Industrial (L-I) Districts, and all Industrial "B" Districts were designated Heavy Industrial (H-I) District. The subject property currently features a 1,265 square foot building, non-conforming front yard parking, exposed outdoor storage, barbed wire fencing, and unpaved parking and driving surfaces.

This Conditional Use Permit (CUP) request is to legalize an industrial use within 600' of a residential use, specifically a window tinting business. The applicant moved into the property and opened business before applying for the CUP, and this process is to bring the existing business into conformance with the code.

Some of the development standards in the Heavy Industrial (H-I) District include maximum sign allotments and parking requirements based on use. The maximum amount of wall mounted signage permitted is 15% of the primary building façade. Businesses engaged in "motor vehicle or machinery retail sales" (§154-16.07.Z) would require one parking space per 400 square feet. The subject property features a 1,265.63 square foot building (Yuma County Assessor), this would mean that the Parking Requirement for the proposed use is 4 parking spots. All parking spaces must be paved, general storage does not require pavement.

The property will need be brought up to code: barbed wire fencing removed, solid wall placed to screen outdoor storage from public right-of-way, parking spaces stripped, and proper shielding for outdoor lighting.

1. What are the impacts of the proposed conditional use on neighboring properties and what conditions are being proposed to resolve those impacts?

SPECIFIC IMPACT AREA		ISSUE	CONDITION #
A.	Traffic	Traffic should be minimal; customers drop of their cars and there is a total of 4 employees.	N/A
B.	Parking	4 parking spaces shall be stripped.	#8
C.	Lighting	The site will have to be designed with “dark sky” compatible down lighting with a maximum 3000 kelvin LED lights; lights shall not impact residential neighbors.	#4
D	Hours of Operation	The hours of operation will be Monday through Friday 8:00 am to 6:00 pm, and Saturday 8:00 am to 1:00 pm.	#5
E	Indoor/Outdoor Activities	All outdoor storage must be screened with a solid wall.	#6
F.	Noise	All outdoor activities will take place during regular business hours.	#5
G.	Air Quality	N/A	N/A
H.	Hazardous Materials	All barbed wire fencing must be removed.	#8
I.	Crime Prevention (CPTED)	N/A	N/A
J.	Other	N/A	N/A

2. Does the site plan comply with the requirements of the zoning code?

Yes. The site plan and required improvements will comply with the Zoning Code.

3. Does the proposed use and site plan comply with Transportation Element requirements?

Yes.

FACILITY PLANS						
Transportation Master Plan	Planned	Existing	Gateway	Scenic	Hazard	Truck
W. 9 th St. – Local Street	29 FT H/W ROW	30 FT H/W ROW				
S. 13 th Ave. – Local Street	29 FT H/W ROW	31 FT H/W ROW				
Bicycle Facilities Master Plan	N/A					
YCAT Transit System	N/A					
Issues:	N/A					

4. Does the proposed conditional use conform to all prior City Council actions for this site?

Yes.

5. Can the P&Z Commission answer the following questions affirmatively?

- (1) Is the Planning and Zoning Commission, or the City Council, authorized under the zoning code to grant the conditional use permit described in the application?

Yes. The Planning and Zoning Commission has the authority to review and approve this request per section 154-09-02 (F)(1)(d), in which a CUP is required for any industrial use or building within 600 feet of a residential zoning district or residential use.

(2) Will the establishment, maintenance, and/or operation of the requested conditional use, under the circumstances of the particular case, not be detrimental to the health, safety; peace, morals, comfort, or general welfare of persons residing, or working, in the vicinity or such proposed use, or be detrimental, or injurious, to the value of property in the vicinity, or to the general welfare of the city?

Yes. The proposed use will not be detrimental to the health, safety, and general welfare of persons residing, or working in the vicinity.

(3) Are the provisions for ingress, egress, and traffic circulation, and adjacent public streets adequate to meet the needs of the requested conditional use?

Yes. Existing access to the lot along S. 13th Ave., with some parking directly off of the street on W. 9th Ave. There are no proposed modifications to the existing traffic circulation.

(4) Are the provisions for building(s) and parking facility setbacks adequate to provide a transition from, and protection to, existing and contemplated residential development?

Yes. The neighborhood has been a combination of businesses/industrial uses and residential uses. There is a house to the south of the subject property, however there is a block wall which assists in the transition between uses.

(5) Are the height and bulk of the proposed buildings, and structures, compatible with the general character of development in the vicinity of the requested conditional use?

Yes. The current bulk and height of the existing buildings are consistent with the surrounding development.

(6) Have provisions been made to attenuate noise levels and provide for adequate site, and security lighting?

Yes. The site will provide the necessary means to meet requirements regarding noise level reduction and site lighting for security purposes with any new development proposals.

(7) Has the site plan for the proposed conditional use, including, but not limited to landscaping, fencing, and screen walls and/or planting, CPTED strategies (Crime Prevention Through Environmental Design), and anti-graffiti strategies been adequately provided to achieve compatibility with adjoining areas?

Yes. The proposed use is consistent with the Crime Prevention through Environmental Design (CPTED) principles for visual surveillance.

Agency Comments: See Attachment E.

Neighborhood Meeting Comments: Due to the impacts of COVID-19, no neighborhood meeting was held.

Discussions with Applicant/Agent: April 12, 2021.

Proposed conditions delivered to applicant on: April 19, 2021.

Final staff report delivered to applicant on: April 19, 2021.

Waiting on Applicant Response	If the Planner is unable to make contact with the applicant – describe the situation and attempts to contact.
--	---

ATTACHMENTS:

A	B	C	D	E	F
Conditions of Approval	Site Plan	Site Photos	Agency Notifications	Agency Comments	Aerial Photo

Prepared By: 
Chad Brown
Associate Planner
Date: 4.15.21
Chad.Brown@yumaaz.gov (928)373-5000 X 3038

Reviewed By: 
Alyssa Linville,
Assistant Director Community Development
Date: 04/15/2021

ATTACHMENT A
CONDITIONS OF APPROVAL

The following conditions of approval are roughly proportionate to the impacts associated with the conditional use and expected development on the property.

Community Development Comments: Alyssa Linville, Assistant Director, Community Development, (928) 373-5000, x 3037:

1. The conditions listed below are in addition to City codes, rules, fees and regulations that are applicable to this action.
2. The Owner's signature on the application for this land use action request takes the place of the requirement for a separate notarized and recorded "Waiver of Claims" document.

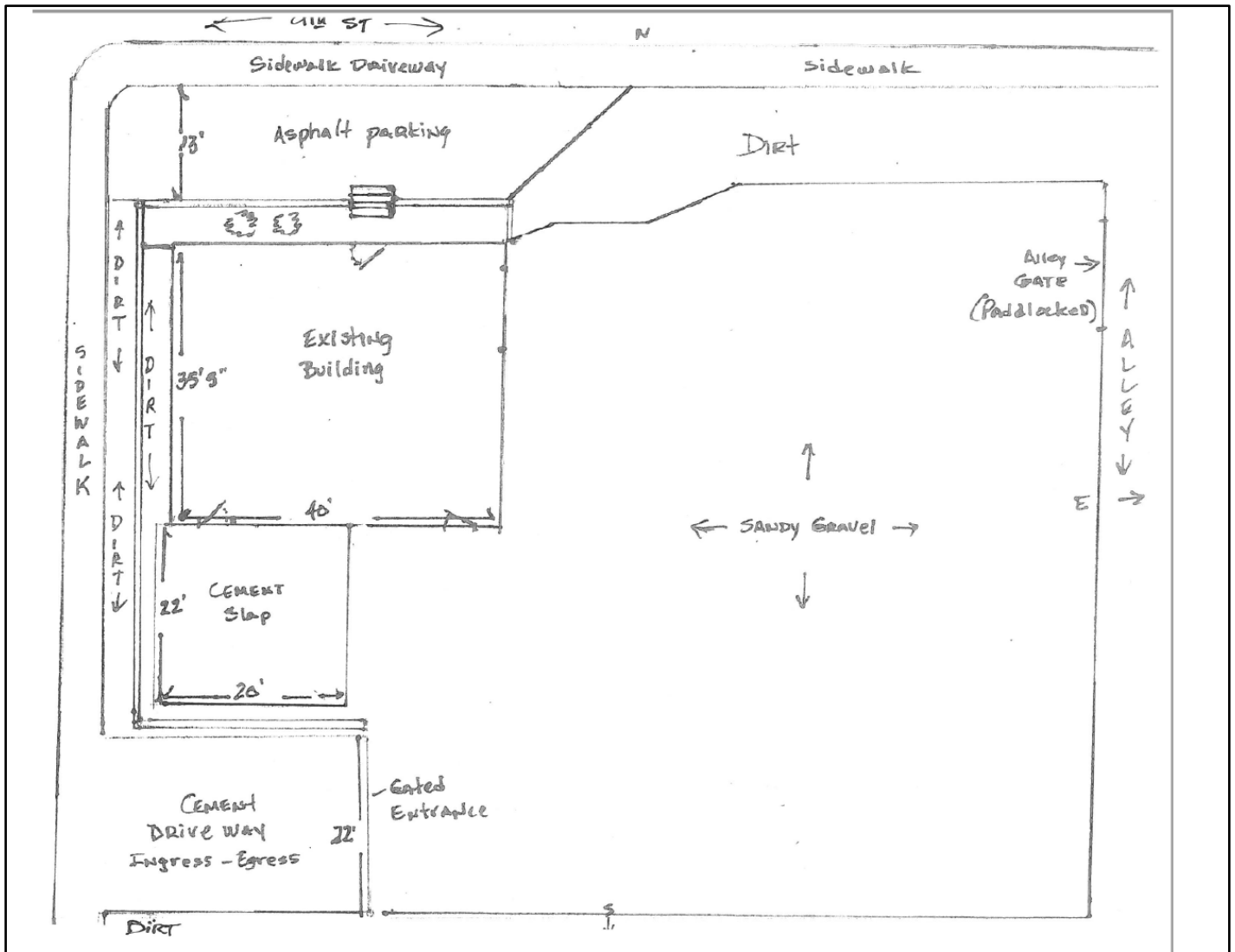
Community Planning: Chad Brown, Associate Planner, (928) 373-5000 X 3038

3. Any substantial modification to the overall site design as represented on the site plan will require a public hearing and be subject to the approval of the Planning and Zoning Commission. A substantial modification to the site plan would include, but not necessarily be limited to, the relocation of vehicular access, the modification of storm water retention or the relocation of a building or structure.
4. Outdoor lighting needs to be designed using "dark sky" compatible down lighting with a maximum 3000 kelvin LED Lights.
5. The hours of operation will be Monday through Friday 8:00 am to 6:00 pm, and 8:00 am to 1:00 pm on Saturdays.
6. All outdoor activities or storage shall take place behind a screened solid wall. A solid wall is a vertical barrier consisting of wood, masonry, metal or other exterior material customarily used in wall or fence construction, without openings in the material or spaces between members, other than gates for necessary walks and driveways, which totally and permanently blocks the horizontal view of any person, object or activity from any adjoining street or property at ground level.
7. All barbed wire fencing will be removed.
8. Four parking spaces shall be stripped.
9. All areas driven or parked on must be paved, including the storage yard.
10. Sign will be reviewed for safety, and if any major changes or damage happens the sign must be replaced and follow city code.
11. The conditions listed above shall be completed within one (1) year of the effective date of the approval of the Conditional Use Permit or prior to the issuance of any Building Permit, Certificate of Occupancy or City of Yuma Business License for this property. In the event that the conditions are not completed within this time frame, the Conditional Use Permit shall be null and void.

12. In any case where a Conditional Use Permit has not been used within one year after the granting thereof, it shall be null and void.
13. Prior to the expiration date of the Conditional Use Permit, the applicant has the option to file for a one-year time extension.

Any questions or comments regarding the Conditions of Approval as stated above should be directed to the staff member who provided the comment. Name and phone numbers are provided.

ATTACHMENT B SITE PLAN



ATTACHMENT C
SITE PHOTOS



ATTACHMENT D
AGENCY NOTIFICATIONS

- Legal Ad Published: The Sun (4/2/21)
- 300' Vicinity Mailing: (3/8/21)
- 34 Commenting/Reviewing Agencies noticed: (3/11/21)
- Hearing Date: (4/26/21)
- Comments due: (3/22/21)

External List (Comments)	Response Received	Date Received	"No Comment"	Written Comments	Comments Attached
Yuma County Airport Authority	YES	3/11/21	X		
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users' Assoc.	YES	3/10/21	X		
Yuma County Planning & Zoning	NR				
Yuma County Assessor	NR				
Arizona Public Service	NR				
Time Warner Cable	NR				
Southwest Gas	NR				
Qwest Communications	NR				
Bureau of Land Management	NR				
YUHS District #70	NR				
Yuma Elem. School District #1	YES	3/10/21			X
Crane School District #13	NR				
A.D.O.T.	YES	3/10/21	X		
Yuma Irrigation District	NR				
Arizona Fish and Game	YES	3/10/21	X		
USDA – NRCS	NR				
United States Postal Service	NR				
Yuma Metropolitan Planning Org.	NR				
El Paso Natural Gas Co.	NR				
Western Area Power Administration	YES	3/10/21	X		
City of Yuma Internal List (Conditions)	Response Received	Date Received	"No Conditions"	Written Conditions	Comments Attached
Police	NR				
Parks & Recreation	NR				
Development Engineer	NR				
Fire	YES	3/15/21	X		
Building Safety	NR				
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	YES	3/15/21	X		
Utilities	NR				
Public Works	NR				
Streets	NR				

ATTACHMENT E
AGENCY COMMENTS



COMMENT



NO COMMENT

Enter comments below:

The request is unclear as to the intended use of the property. If it is to be used for warehousing of equipment or materials, the property should be fenced for both security and aesthetics, preferably a block wall.

DATE: 3/10/21 NAME: James Sheldahl TITLE: Superintendent
AGENCY: Yuma Elementary School District #1
PHONE: 928-502-4300
RETURN TO: Chad Brown
Chad.Brown@YumaAZ.gov

From: James Sheldahl <jsheldahl@yuma.org>
Sent: Wednesday, March 10, 2021 9:18 AM
To: Brown, Chad - Associate Planner <Chad.Brown@yumaaz.gov>
Subject: Re: Request for Comments for CUP-33939-2021

Thank you, Chad.

The same is true of the request on 3rd Ave. Some of these property owners, like the long-time property owners on 5th Avenue, don't organize their materials. Their places end up looking more like junk yards than warehouse lots. Especially in our older neighborhoods, it's in the interest of the City and the school district to prevent potential blight. Once it takes hold, it takes excessive time and resources to clean up.

Thank you,
Jamie

On Wed, Mar 10, 2021 at 9:11 AM Brown, Chad - Associate Planner <Chad.Brown@yumaaz.gov> wrote:

Caution: This email originated from outside of the district. Do not click links or open attachments unless you validate the sender and know the content is safe. Please delete this message if you believe the email is suspicious.

Hello James,

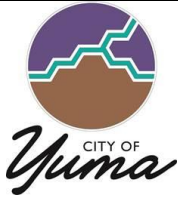
Good point, it is a bit vague. Their intended use is to do car window tinting. I will add the comment about the block wall, which I believe will also be a condition of approval.

Best,

Chad

ATTACHMENT F
AERIAL PHOTO





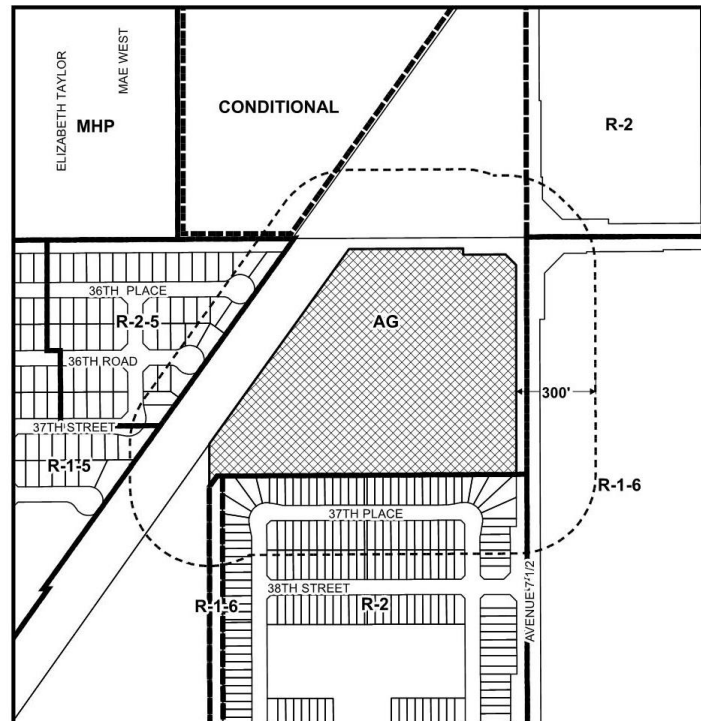
STAFF REPORT TO THE PLANNING AND ZONING COMMISSION
DEPARTMENT OF COMMUNITY DEVELOPMENT
COMMUNITY PLANNING DIVISION
CASE TYPE – PRELIMINARY SUBDIVISION
CASE PLANNER: ALYSSA LINVILLE

Hearing Date: April 26, 2021 **Case Number:** SUBD-33593-2021

Project Description/Location: This is a request by Dahl, Robins & Associates, Inc., on behalf of Saguaro Desert Land Company, LLC, for approval of the preliminary plat for the Desert Sky Unit No. 2 Subdivision. This subdivision will contain approximately 18.3 acres, and is proposed to be divided into 102 residential lots, ranging in size from 2,941 square feet to 9,983 square feet. The property is located near the southwest corner of Avenue 7½E and 36th Street, Yuma, AZ.

	Existing Zoning	Existing Land Use	Designated Land Use
Site	Agriculture (AG)/Conditional Medium Density Residential/Planned Unit Development Overlay (Cond. R-2/PUD)	Undeveloped	Medium Density Residential
North	Agriculture (AG)	Undeveloped	Public/Quasi-Public
South	Medium Density Residential/Planned Unit Development (R-2/PUD)	Desert Sky Unit No. 1	Medium Density Residential
East	Low Density Residential (R-1-6)	Undeveloped	Low Density Residential
West	Agriculture (AG)	"A" Canal	Public/Quasi-Public

Location Map



Prior site actions: Annexation: Ord. O97-87 (January 2, 1998); General Plan Amendment: Res. R2004-089 (December 13, 2004/Mixed Use to Public/Quasi-Public), Res. R2017-031 (December 15, 2017/Public Quasi-Public to Medium Density Residential); Rezone: Ord. O2020-018 (September 16, 2020; Agriculture to Medium Density Residential/Planned Unit Development Overlay)

Staff Recommendation: Staff recommends **APPROVAL** of the preliminary plat for the Desert Sky Unit No. 2 Subdivision, subject to the conditions outlined in Attachment A.

Suggested Motion: Move to **APPROVE** Preliminary Plat SUBD-33593-2021 as presented, subject to the staff report, information provided during this hearing, and the conditions in Attachment A.

Effect of the Approval: By approving the preliminary plat, the Planning and Zoning Commission is acknowledging the street and lot layout of Desert Sky Unit No. 2 Subdivision which includes 102 lots ranging in size from 2,941 square feet to 9,983 square feet for the property located near the southwest corner of Avenue 7½E and 36th Street, subject to the conditions of the rezoning and the conditions outlined in Attachment A, and affirmatively finds that the request is in conformance with the City of Yuma Subdivision Code and General Plan and is compatible with surrounding land uses.

Staff Analysis: The subject property, located at the southwest corner of Avenue 7 ½E and the 36th Street alignment, is proposed to be developed at the second phase of the Desert Sky townhome development. Currently, the site is undeveloped land. With this second phase, the applicant is proposing to construct 102 units on approximately 18.3 acres. The current zoning for the property is Conditional Medium Density Residential/Planned Unit Development Overlay (R-2/PUD). The Planned Unit Development Overlay (PUD) District allows for certain deviations from typical development standards (increased densities, reduced setbacks, and increased lot coverage), provided however, that the development provides enhanced amenities for the residents.

During the rezoning, the following amenities were agreed upon between the developer and the City:

1. A retention basin featuring picnic tables and barbeque grills;
2. A 10'-wide walking path, connecting this phase of development to the centrally located retention basin located in phase one development; and,
3. Each residential lot will feature irrigation, bermuda grass and a tree located in the front yard.

Additionally, a multi-use linear path will be completed on the western edge of the existing development. The landscaped path will be constructed of asphalt or similar material to provide for a suitable surface for both pedestrians and cyclists. The linear path will be located adjacent to an existing irrigation ditch and will remain functional until such time that the ditch is longer needed for agricultural purposes. This multi-use linear path will need to be constructed prior to the recording of the third phase of development.

The proposed subdivision will need to meet the development standards required of the zoning designation, unless otherwise specified in the approved rezoning application. The following development standards deviate from the typical zoning requirements as a result of the enhanced amenities identified during the PUD process:

1. A decrease in the minimum lot size from 4,500 square feet to 3,000 square feet.
2. A decrease in the minimum lot width from 50' to 30'.
3. Staggered front yard setbacks of 15' and 20' (20' is the standard front yard setback).
4. A reduction in side yard setbacks from 7' on each side to zero feet on each side.
5. An increase in maximum lot coverage from 35% to 70%. The increase in lot coverage allows for the future addition of patios and/or sheds.

A Municipal Improvement District (MID) will be established for the long-term maintenance of the landscaping within the retention basin as well as for any required subdivision landscaping.

1. Does the subdivision comply with the zoning code and the zoning district development standards?

Yes. The preliminary plat meets dimensional standards and development standards for the Medium Density Residential/Planned Unit Development Overlay (R-2/PUD) District.

2. Does the subdivision comply with the subdivision code requirements?

Yes. The preliminary plat will comply with the criteria set forth in the City of Yuma Subdivision Code.

Standard	Subdivision						Conforms				
Lot Size	Minimum:	3,060 SF	Maximum:		12,638 SF		Yes	X	No		
Lot Depth	Minimum:	102 FT			Maximum:	250 FT		Yes		No	
Lot Width/Frontage	Minimum:	30 FT			Maximum:	105 FT		Yes	X	No	
Setbacks	Front:	15-20 FT	Rear:	10 FT	Side:	0-10 FT		Yes	X	No	
District Size	18.3	Acres						Yes	X	No	
Density	5.5	Dwelling units per acre						Yes	X	No	
Issues: None											
Requirements	Conforms										
General Principles	Yes	X	No		N/A						
Streets	Conforms										
Circulation	Yes	X	No		N/A						
Arterial Streets	Yes		No		N/A	X					
Existing Streets	Yes	X	No		N/A						
Cul-de-sacs	Yes	X	No		N/A						
Half Streets	Yes		No		N/A	X					
Stub Streets	Yes		No		N/A	X					
Intersections	Yes	X	No		N/A						
Easements	Yes	X	No		N/A						
Dimensional Standards	Yes	X	No		N/A						
Issues: None											

Blocks		<u>Conforms</u>						
Length	Yes	X	No		N/A			
Irregular Shape	Yes	X	No		N/A			
Orientation to Arterials	Yes		No		N/A	X		
Business or Industrial	Yes		No		N/A	X		
Issues: None								
Lots		<u>Conforms</u>						
Minimum Width	Yes	X	No		N/A			
Length and Width Ratio	Yes	X	No		N/A			
Fronting on Arterials	Yes		No		N/A	X		
Double Frontage	Yes		No		N/A	X		
Side Lot Lines	Yes	X	No		N/A			
Corner Lots	Yes	X	No		N/A			
Building Sites	Yes	X	No		N/A			
Street Frontage	Yes	X	No		N/A			
Issues: None								

3. Does the subdivision comply with the elements, plans and policies of the General Plan?

Land Use Element:										
Land Use Designation:				Medium Density Residential						
Issues:				None						
Historic District:	Brinley Avenue				Century Heights			Main Street	None	X
Historic Buildings on Site:		Yes		No	X					
Transportation Element:										
FACILITY PLANS										
TRANSPORTATION MASTER PLAN		Planned	Existing	Gateway	Scenic	Hazard	Truck			
Avenue 7 ½ E – 2-Lane Collector		40 FT H/W ROW	40 FT H/W ROW							
36 th Street – 2-Lane Collector		40 FT H/W ROW	40 FT H/W ROW							
Bicycle Facilities Master Plan		None								
YCAT Transit System		None								
Issues:		None								
Parks, Recreation and Open Space Element:										
Parks and Recreation Facility Plan										
Neighborhood Park:	Existing: Saguaro Park				Future: Saguaro Park					
Community Park:	Existing: None				Future: South Mesa Community Park					
Linear Park:	Existing: None				Future: "A" Canal Linear Park					
Issues:		None								
Housing Element:										
Special Need Household:		N/A								
Issues:		None								
Redevelopment Element:										

Planned Redevelopment Area:	None						
Adopted Redevelopment Plan:	North End:		Carver Park:		None:	X	
Conforms:	Yes		No		N/A		
Conservation, Energy & Environmental Element:							
Impact on Air or Water Resources	Yes		No	X			
Renewable Energy Source	Yes		No	X			
Issues:	None						
Public Services Element:							
Population Impacts Population projection per 2013-2017 American Community Survey Police Impact Standard: 1 officer for every 530 citizens; Water Consumption: 300 gallons per day per person; Wastewater generation: 100 gallons per day per person	Dwellings & Type		Projected Population	Police Impact	Water Consumption		Wastewater Generation
	<i>Multi-Family</i>						
	Proposed	Per Unit		Officers	GPD	AF	GPD
	102	1.7	173	0.33	52,020	58.3	17,340
Fire Facilities Plan:		Existing: Fire Station No. 5			Future: Fire Station No. 7		
Water Facility Plan:	Source:	City	X	Private	Connection	10" PVC Line	
Sewer Facility Plan:	Treatment:	City	X	Septic	Private	Connection: 12" PVC Line	
Issues:	None						
Safety Element:							
Flood Plain Designation:	Flood Zone X	Liquefaction Hazard Area:			Yes		No X
Issues:	None						
Growth Area Element:							
Growth Area:	Araby Rd & Interstate 8		Arizona Ave & 16 th St		Avenue B & 32 nd St.		
	North End	Pacific Ave & 8 th St		Estancia	None	X	
Issues:	None						

Public Comments Received: See Attachment F.

External Agency Comments: See Attachment E.

Neighborhood Meeting No Meeting Required.

Comments:

Proposed conditions delivered to applicant on: April 19, 2021

Final staff report delivered to applicant on: April 20, 2021

<input checked="" type="checkbox"/>	Applicant agreed with all of the conditions of approval on: April 19, 2021
<input type="checkbox"/>	Applicant did not agree with the following conditions of approval: (list #'s)
<input type="checkbox"/>	If the Planner is unable to make contact with the applicant – describe the situation and attempts to contact.

Attachments

A	B	C	D	E	F	G
Preliminary Plat Conditions of Approval	Preliminary Plat Map	Rezone Conditions	Agency Notifications	Agency Comments	Public Comments	Aerial Photo

Prepared By:

Alyssa Linville,
Assistant Director
Community Development



Date: April 19, 2021

Alyssa.Linville@yumaaz.gov

(928)373-5000, ext. 3037

**ATTACHMENT A
PRELIMINARY PLAT
CONDITIONS OF APPROVAL**

The following conditions of approval have been determined to have a reasonable nexus to the requested subdivision application and are roughly proportionate to the impacts associated with the subdivision and expected development on the property.

Community Development Comments: Alyssa Linville, Assistant Director, Community Development, (928) 373-5000, x 3037:

1. The conditions are in addition to City codes, rules, fees and regulations that are applicable to this action.
2. The Owner's signature on the application for this land use action request takes the place of the requirement for a separate notarized and recorded "Waiver of Claims under the Private Property Rights Protection Act" document.
3. The Owner shall submit to the City of Yuma, for recordation, a signed and notarized Avigation Easement on the property acknowledging potential noise and overflight of aircraft from both daily and special operations of the Marine Corps Air Station and the Yuma International Airport.

City Attorney Comments: (928) 373-5058:

4. The rights-of-way must be dedicated free and clear to the City, and all easements in the right-of-way must be vacated unless the easement is specifically presented to the City, and the City specifically approves its acceptance. Approval of the plat is not approval of an easement in the right-of-way.
5. Any easements on other property in the subdivision must be vacated to the extent that they would require a utility, licensed cable operator, or other licensed or franchised communications system (collectively, the "utilities") to:
 - a. pay to cross the easement to reach any structure on the lot;
 - b. prevent the utilities from providing service to any structure on a lot; or
 - c. effectively prevent any entity authorized to place facilities in a utility easement from using the easements or accessing potential customers passed by the easement.
6. Approval of the plat does not authorize the maintenance or installation of any facility in the rights of way, whether or not contemplated by the plat, without a license, franchise, or similar authorization issued by the City.

Engineering Comments: Andrew McGarvie, Engineering Manager (928)373-5000, x 3044:

7. All exterior subdivision fencing shall be constructed of masonry. Access gates, whether vehicular or pedestrian, shall not be permitted along the exterior masonry fencing for the subdivision phase, including fencing along Avenue 7 ½E and 36th Street. Such fencing can be removed during the construction of pools, in order to access utility or drainage easements, or during other residential construction; however, such masonry fencing and adjacent landscaping will need to be replaced accordingly.

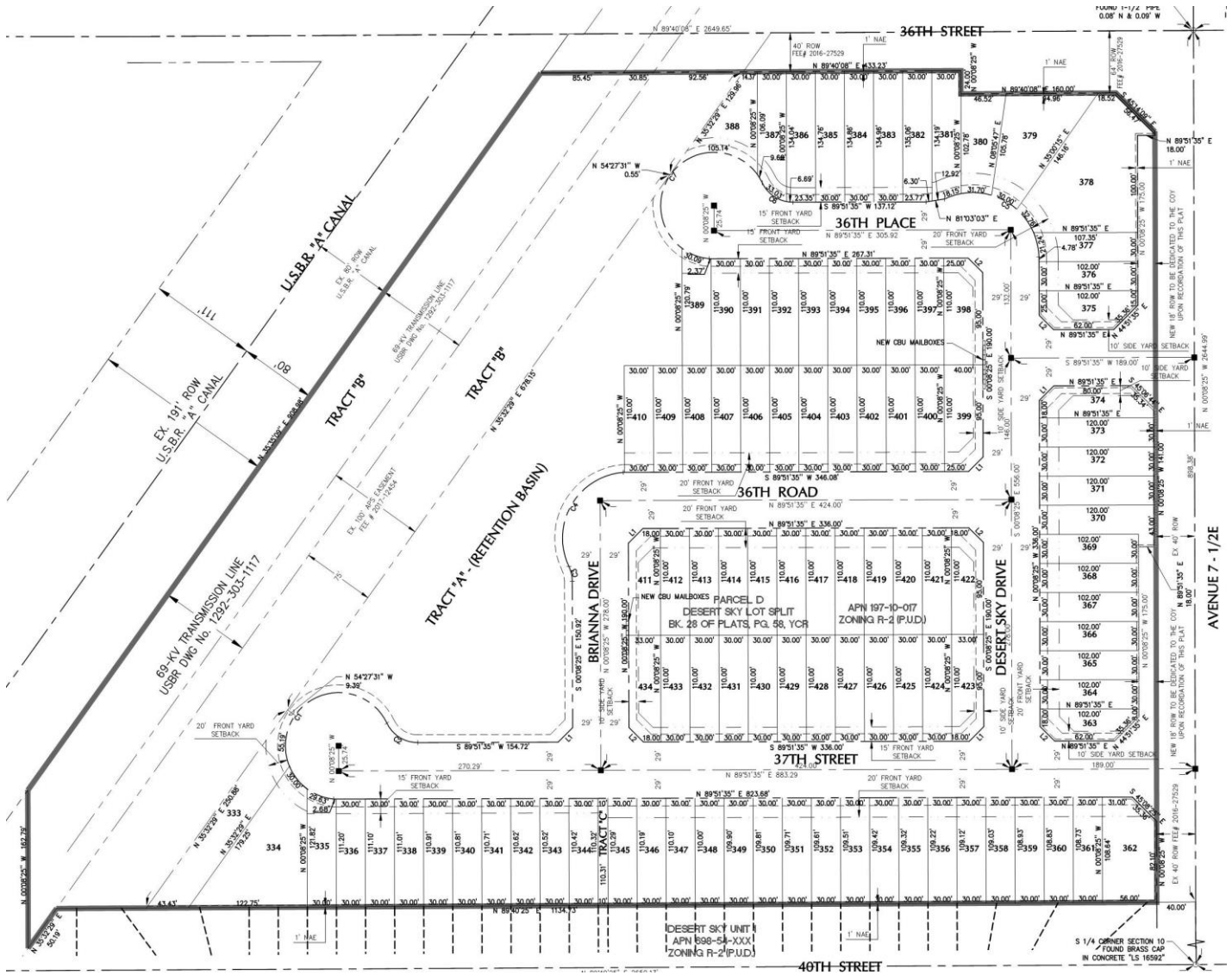
8. Owner/Developer shall dedicate to the City of Yuma a 1-foot non-access easement along the frontages of Avenue 7 ½ E, 36th St, and along the APS and USBR easements, except for approved subdivision entrance locations.
9. Owner/developer shall dedicate to the City of Yuma a corner visibility triangle and a 1-foot non-access easement across all corner triangles in conformance with City of Yuma Construction Standard No. 2-096.
10. On collector streets, owner/developer shall design, build, and stripe the roadway so that it includes a bike lane, similar to City of Yuma Construction Standard No. 2-020.
11. Owner/Developer shall provide a joint driveway agreement for all lots that will share a driveway and/or will not meet the spacing requirements of City of Yuma Construction Standard No. 3-125.
12. Owner/developer shall provide protection, such as bollards or something similar, for any utility cabinets or above ground structures located within or close to driveway locations.

Community Planning Conditions: Alyssa Linville, Assistant Director, Community Development, (928) 373-5000, ext. 3037:

13. The Owner shall submit a final plat within three (3) year of Preliminary Plat approval. Should a Final Plat not be submitted within three (3) year of the effective date of approval of the Preliminary Plat, the approval of this Preliminary Plat shall be null and void, unless the conditions are contained in an executed Pre-development Agreement.

Any questions or comments regarding the Conditions of Approval as stated above should be directed to the staff member who provided the comment. Name and phone numbers are provided.

ATTACHMENT B PRELIMINARY PLAT MAP



ATTACHMENT C
REZONE CONDITIONS

1. The conditions listed below are in addition to City codes, rules, fees and regulations that are applicable to this action.
2. The Owner's signature on the application for this land use action request takes the place of the requirement for a separate notarized and recorded "Waiver of Claims" document.
3. The Owner shall submit to the City of Yuma, for recordation, a signed and notarized Avigation Easement on the property acknowledging potential noise and overflight of aircraft from both daily and special operations of the Marine Corps Air Station and the Yuma International Airport.
4. Owner/developer shall dedicate to the City of Yuma, via plat or warranty deed, the required right-of-way to obtain a nominal 80 feet of total right-of-way along 36th Street, as required for collector streets as called out in the City of Yuma Transportation Master Plan and in the City of Yuma Construction Standards.
5. Owner/developer shall dedicate to the City of Yuma, via plat, the required right-of-way to obtain a nominal 40 feet west half-width right-of-way along Avenue 7 ½ E, as required for a collector street as called out in the City of Yuma Transportation Master Plan and in the City of Yuma Construction Standards.
6. Owner/developer shall dedicate to the City of Yuma, via plat, all required corner visibility triangles in all major and local street intersections as specified in City of Yuma Construction Standard 3-005 (dimensions of corner triangle vary depending on type of intersection).
7. Owner/developer shall dedicate to the City of Yuma, via plat, a one-foot non-access easement to the City of Yuma along all collector and minor arterial street frontages and along all corner triangles as specified in City of Yuma Construction Standard 3-005.
8. Owner/developer shall dedicate to the City of Yuma, via plat, additional right-of-way for turn lanes, as required for collector streets as specified in City of Yuma Construction Standard 2-050.
9. Owner/developer shall design and build a complete intersection per City of Yuma Standards at 36th Street and Avenue 7 ½ E, in lieu of design & construction of 36th street, west of Avenue 7½ E to the Canal.
10. The common area/retention basin shall be designed to include the following amenities:
 - a. Landscaping in a cohesive manner similar to that of the completed common area/retention basin located in Desert Sky Unit No. 1.
 - b. A minimum of two picnic tables and two barbeque grills.
 - c. Lighting along the perimeter of the common area/retention basin, specifically double street lights located along the subdivision roadways. Such lighting shall be designed so as to adequately illuminate the picnic areas.

- d. Landscape within the 10' interior corridor walking path, which connects the two phases of development, shall include rock similar to the retention basin and shrubs (trees are not required).
11. Front yard irrigation, grass, and a 15-gallon for each unit shall be installed as a phased installation project, not to exceed 10 completed units.
 12. Each of the conditions listed above shall be completed within five (5) years of the effective date of the rezoning ordinance or prior to the issuance of a Building Permit, Certificate of Occupancy or City of Yuma Business License for this site, whichever occurs first. If the conditions of approval are not completed within the above timeframe then the rezone shall be subject to ARS § 9-462.01.

**ATTACHMENT D
AGENCY NOTIFICATIONS**

- **Legal Ad Published: The Sun** (04/02/21)
- **300' Vicinity Mailing:** (03/08/21)
- **34 Commenting/Reviewing Agencies noticed:** (03/08/21)
- **Site Posted on:** (04/19/21)
- **Neighborhood Meeting:** (N/A)
- **Hearing Date:** (04/26/21)
- **Comments due:** (03/22/21)

External List (Comments)	Response Received	Date Received	"No Comment"	Written Comments	Comments Attached
Yuma County Airport Authority	Yes	02/04/21	X		
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users' Assoc.	Yes	02/04/21	X		
Yuma County Planning & Zoning	NR				
Yuma County Assessor	NR				
Arizona Public Service	NR				
Time Warner Cable	NR				
Southwest Gas	NR				
Qwest Communications	NR				
Bureau of Land Management	NR				
Bureau of Reclamation	Yes	02/04/21		X	X
YUHS District #70	NR				
Yuma Elem. School District #1	NR				
Crane School District #13	NR				
A.D.O.T.	Yes	02/08/21	X		
Yuma Irrigation District	NR				
Arizona Fish and Game	Yes	02/09/21		X	X
USDA – NRCS	NR				
United States Postal Service	NR				
Yuma Metropolitan Planning Org.	NR				
El Paso Natural Gas Co.	NR				
Western Area Power Administration	Yes	02/08/21		X	X
City of Yuma Internal List (Conditions)	Response Received	Date Received	"No Conditions"	Written Conditions	Comments Attached
Police	NR				
Parks & Recreation	NR				
Development Engineer	Yes	02/18/21		X	
Fire	Yes	02/04/21	X		
Building Safety	NR				
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	Yes	02/05/21			X
Utilities	NR				
Public Works	NR				
Streets	NR				

ATTACHMENT E
AGENCY COMMENTS

Reclamation has existing infrastructure immediately adjacent to the proposed development. The owner/Contractor needs to ensure that the federal property and facilities are not impacted by the proposed development.


Scott C. Kerns
Sr. Realty Specialist
Bureau of Reclamation
Interior Region 8
928-343-8462
skerns@usbr.gov

☒ Condition(s)

☐ No Condition(s)

☐ Comment

Enter conditions here: MCAS Yuma has reviewed the request for APN 197-10-017. The subject parcel is located approximately 2.31 miles from the Barry M. Goldwater Range West (BMGR-W) boundary and near a known flight path used to enter the Range. It is requested that an Avigation easement be recorded that recognizes the noise, interference or vibrations due to aviation operations that may occur at the nearby Marine Corps Air Station Yuma/Yuma International Airport Aviation Complex and its associated flight paths. Please send a copy of the recorded easement to MCASYUMA_CPLO@usmc.mil. Thank you for the opportunity to review and comment.

DATE:	5 Feb 2021	NAME:	Antonio Martinez	TITLE:	Community Liaison Specialist
CITY DEPT:	MCAS Yuma				
PHONE:	928-269-2103				
RETURN TO:	Alyssa Linville				
	Alyssa.Linville@YumaAZ.gov				

Enter comments below:

Western Area Power Administration (WAPA) has no objections to the preliminary plat, provided however the area identified as Tract B, specifically the westerly Tract B is within WAPA's easement and there shall be no change in topography or improvements constructed without the concurrence of WAPA.

DATE:	2/8/21	NAME:	Dennis Patane	TITLE:	Realty Technician
AGENCY:	Western Area Power Administration				
PHONE:	602 605-2713				
RETURN TO:	Alyssa Linville				
	Alyssa.Linville@YumaAZ.gov				



February 9 , 2021

Ms. Alyssa Linville
Assistant Director DCD, City of Yuma
1 City Plaza, Yuma, AZ 85364

Electronically submitted to: Alyssa.Linville@YumaAZ.gov

RE: SUBD-33593-2021 Desert Sky Unit No.2 Subdivision

Dear Ms. Linville,

The Arizona Game and Fish Department (Department) appreciates the opportunity to review the preliminary plat for the Desert Sky Unit No.2 Subdivision, proposed to be divided into 102 residential lots ranging in size from 2,941 square feet to 9,983 square feet. The property is located at the southwest corner of Avenue 7 ½ E and 36th Street, Yuma, AZ.

Under Title 17 of the Arizona Revised Statutes, the Department, by and through the Arizona Game and Fish Commission (Commission), has jurisdictional authority and public trust responsibilities to protect and conserve the state fish and wildlife resources. In addition, the Department manages threatened and endangered species through authorities of Section 6 of the Endangered Species Act and the Department's 10(a)1(A) permit. It is the mission of the Department to conserve and protect Arizona's diverse fish and wildlife resources and manage for safe, compatible outdoor recreation opportunities for current and future generations. For your consideration, the Department provides the following comments based on the agency's statutory authorities, public trust responsibilities, and special expertise related to wildlife resources and recreation.

The project site is potential flat-tailed horned lizard (*Phrynosoma mcallii*) habitat, which is a Species of Greatest Conservation Need (SGCN) in Arizona. The species was proposed for listing under the Endangered Species Act (ESA) as Threatened in 1993 and withdrawn in 1997 in part due to a Candidate Conservation Agreement (CCA) and Rangewide Management Strategy (RMS) signed in 1997. To lessen impacts and prevent the listing of flat-tailed horned lizards, the Department recommends the applicant fence the area to be developed and perform removal surveys before any ground-disturbing activities occur. To be effective, the fence should remain in place to prevent flat-tail lizards from re-entering the area until construction is complete. Fencing and removal survey protocols can be found in Appendix 7 of the Flat-Tailed Horned Lizard RMS, revision 2003.

The Department would also like to encourage the City of Yuma to use the Online Environmental Review Tool (<https://ert.azgfd.gov/>) administered by the Department's Heritage Data

azgfd.gov | 928.342.0091

YUMA OFFICE: 9140 E. 28TH ST., YUMA AZ 85365

**GOVERNOR: DOUGLAS A. DUCEY COMMISSIONERS: CHAIRMAN KURT R. DAVIS, PHOENIX | LELAND S. "BILL" BRAKE, ELGIN
JAMES E. COUGHNOUR, PAYSON | TODD G. GEILER, PRESCOTT | CLAY HERNANDEZ, TUCSON DIRECTOR: TY E. GRAY DEPUTY DIRECTOR: TOM P. FINLEY**

Management System (HDMS). This tool is a useful resource that provides baseline information on special status species such as Arizona's Species of Greatest Conservation Need (SGCN) and Species of Economic and Recreational Importance (SERI). The Department entered this project as an example (please see the attached HDMS report created).

Thank you for the opportunity to provide input on the Desert Sky Unit No.2 Subdivision preliminary plat. The Department looks forward to working with the City of Yuma and the applicant. For further coordination, please contact Ian Latella at ilatella@azgfd.gov or 928-341-4069.

Sincerely,

A handwritten signature in black ink, appearing to read "A. Tyler Williford".

Tyler Williford
Habitat Program Manager, Region IV

Attachments: HDMS_report_Desert_Sky_no_2_subdiv_33593-2021.pdf

AGFD # M21-02044245

**ATTACHMENT F
PUBLIC COMMENTS**

From: Roger Barron
Sent: Sunday, March 21, 2021 9:00 PM
To: Web Contact DCD Community Planning
Subject: SUBD 33034-2020 and SUBD 33593-2021

Dear Planning Commission:

Below are comments/concerns/questions regarding the above referenced subdivision SUBD 33034-2020, but are also pertinent to SUBD 33593-2021.

1. "Public Service Element" regarding water states an average of 2.8 people per household and a total daily water usage for the 25 lot subdivision (21,000 gal/day). How much potable water is available for these new residential subdivisions? Has there ever been a water study to determine this? A total of 102 lots is mentioned for all the phases of Terra Bella.

Note:

2.8 persons per house x 102 lots x 300 gal/day = 85,680 gal/day.

The other subdivisions approved, under construction and currently under review must also be served with potable water. What is the availability of water to these new residential developments while still providing for existing development or new commercial/industrial developments?

2. Traffic. Are the numbers in circles denoting intersections the traffic study? Shall it be assumed that all of the phases of the Terra Bella subdivisions are included in this study? It is not surprising that ingress/egress out of the subdivisions are divided among the accesses in the plat(s).

However, the majority of the vehicular trips end up on 32nd Street. 32nd Street is chaotic during morning and evening rush hours and weekends at this time. Some of those "vehicle counts" in the circles are over 1,000 vehicles.

Alternative routes, to my understanding, are the county roads. These roads are two lanes with poor lighting, if any, and appear to have more than their share of crashes and fatalities. They are also heavily used by agricultural vehicles. If these are to be considered as primary, or as alternative, routes, please consider improvements to be made by the developer.

It appears that Interstate 8 may be accessed via 3E or Araby Road. Could 3E be widened where it is only two lanes? It also is very busy with agricultural vehicles and the air base. Please check the number of crashes at 3E and 32nd Street.

Or, Interstate 8 may be accessed via Araby Road. The roundabouts have eliminated the traffic lights but has its own problems with congestion and agricultural vehicles. Please check the number of crashes at this location.

3. The above concerns are not only pertinent to this particular subdivision plat but to all the plats and development taking place at this time. We can see all the houses under construction. Is there a Master Traffic Plan for the eastern city/county? Does it consider the rezonings to

residential from agricultural that have taken place since the Plan was approved? This is crucial because of the intensity of vehicular trips in the residential zone compared to the agricultural zone.

4. Green Space. A green space area was not evident from the map. What is the green space requirement and how is it defined by the City? From my experience, there are some very nice green spaces/improved water containment areas in the City. And there are some subdivisions that have a beautiful green and maintained entranceway ---and a lot of kids playing in the streets. A true green space adds tremendously to the community aspect, a meeting place for neighbors, of a subdivision. This could be a place with some grass/sidewalk/small playground/basketball courts, etc.

Thank you for taking the time to review the above comments and concerns. Please submit my comments into the record.

Sincerely,

Laura Barron
Terraces Two at the View

ATTACHMENT G
AERIAL PHOTO

